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1022	3295		"The Truth About the Clash Between Japan- ese and Chinese Troops Near Peitayin as Explained to Japan- ese and Foreign News- paper Correspondents" 24 September 1931 by Lt. Colonel SHIMAMOTO 30055		
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	3296		Pamphlet entitled "Con- struction of New Manchuria and Mongolia" 30063		
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2101	3300-A		Excerpt from "Lost Politics - Memoirs of Prince KONOYE"		30093
2104	3300-B		Ditto		30095
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Monday, 6 October 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India and HONORABLE JUSTICE HENRI BERNARD, Member
from the Republic of France, not sitting from 0930 to
1600.

For the Prosecution Section, same as before.
For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, INTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Mattice.

4 MR. MATTICE: May it please the Tribunal,
5 defense document 2636 is the opening statement of the
6 individual case of the accused ITAGAKI, Seishiro.

7 The counts in which the accused ITAGAKI is
8 charged are:

9 (1) With all the accused in counts 1 to 5,
10 of participating in the formulation or execution of a
11 plan concerning the Manchurian, China, Changkufeng,
12 and Nomonhan Incidents, and the Pacific War in
13 general.
14

15 (2) With all the accused in counts 6 to 17,
16 with having planned and prepared so-called wars of
17 aggression, and in violation of international law
18 against the Chinese Republic, the United States,
19 Great Britain, The Commonwealth of Australia, New
20 Zealand, Canada, India, The Philippines, The Nether-
21 lands, France, Thailand, and the Soviet Union.

22 (3) With some or all the accused:

23 (a) In counts 18 and 27 respecting the caus-
24 ing and execution of the Manchurian Incident.

25 (b) In counts 19 and 28 respecting the caus-
ing and execution of the China Incident.

1 (c) In counts 23 and 33, respecting the
2 causing and execution of war against France.

3 (d) In counts 25 and 35; respecting the
4 causing and execution of the Changkufeng Incident.

5 (e) In counts 26 and 36, respecting the
6 causing and execution of the Nomonhan Incident.

7 (f) In counts 29, 30, 31, 32, and 34,
8 respecting waging war against the United States,
9 Philippines, Great Britain, The Netherlands, and
10 Thailand.

11 (g) Count 44 charges cruelties to prisoners
12 of war; count 45 in respect to Nanking; count 46 in
13 respect to Canton; count 47 relates to Hankow; count
14 51 the Nomonhan Incident, and count 52 the Changkufeng
15 Incident.

16 (h) Counts 53, 54, and 55 allege violations
17 of the laws of war.

18 The evidence which the accused ITAGAKI will
19 present, taken in connection with that already adduced,
20 will show:

21 1. That he did not consciously join or
22 participate with anyone in any plan or preparation for
23 any war of aggression, or in the execution thereof or
24 any war in violation of international law.

25 2. That he had no culpable or wrongful part

1 in any of the incidents mentioned in the Indictment
2 and in the evidence.

3 3. That he, likewise, had no culpable or
4 wrongful part in the causing of war against the
5 United States, The Philippines, Great Britain, The
6 Netherlands, or Thailand.

7 4. That he neither caused, counseled,
8 ordered, permitted, committed, or condoned any mis-
9 treatment of any prisoners of war at any place.

10 That, on the contrary, at all times and
11 places with which he had anything to do he endeavored
12 to see to it that such prisoners were well and fairly
13 treated and, within the limits of supplies available,
14 that they were well fed, housed, and clothed.

15 5. That he did not commit, or cause, advise,
16 command, or condone any violations of the laws of war.

17 We will show that the Mukden Incident was not
18 planned but was a chance occurrence which happened
19 following a long series of violent acts committed by
20 the Chinese troops. That the Kwantung Army, and Japa-
21 nese nationals, being in a place where they had a right
22 to be, in order to defend against the violent and
23 murderous acts of the Chinese troops, took actions
24 and measures solely for self defense.

25 The evidence will show that there was no plan

1 to set up military government of Manchuria and that
2 none was set up. That there was no plan, so far as
3 the Japanese were concerned, to have Manchuria secede
4 from China and set up an independent state, and that
5 the movement which resulted in such secession and the
6 establishment of Manchukuo originated with and was
7 accomplished by the Manchurians themselves.

8 He will show that Pu Yi's coming to Manchuria
9 was the result of the wishes of the Manchurians and
10 the burning desire on Pu Yi's part to be restored as
11 Emperor of the Manchus.

12 It will be shown that the Concordia Society
13 of Manchukuo was not to function in furtherance of wars
14 of aggression, but its purpose was to establish a
15 peaceful land of kingly rule on the basis of racial
16 concordia; the accused ITAGAKI was not one of the
17 founders of the society, and he had no control over it.

18 The evidence will show that at the time of
19 the Marco Polo Bridge Incident, ITAGAKI was the
20 Commander of the Fifth Division and was not connected
21 with the General Staff and had no part in or respons-
22 ibility for the China Incident mentioned in count 19.

23 His evidence will disclose that at the time
24 of the fall of Nanking, ITAGAKI, as Commander of the
25 Fifth Division, was stationed at Paoting, Hopei; that

1 he had no part in, control over, knowledge of, or
2 responsibility for that operation.

3 ITAGAKI became War Minister in the KONOYE
4 Cabinet at the urgent request of the Premier because
5 KONOYE knew that ITAGAKI agreed with him on

6 (a) withdrawal of the Japanese Army from
7 China;

8 (b) peaceful settlement of the differences
9 existing between Japan and China.

10 That as War Minister in the First KONOYE
11 Cabinet ITAGAKI made effort to bring about such with-
12 drawal and settlement; but that circumstances such as
13 Chinese military action and Chiang Kai-shek's insist-
14 ence on a policy of duntreading Japan, made it
15 impossible and drove Japan into a protracted war.

16 After the fall of the KONOYE Cabinet,
17 HIRANUMA requested ITAGAKI to remain as War Minister.
18 As establishment of peace with China was by this time
19 impossible, no other course was open to Japan save to
20 endeavor to break down China's anti-Japanese attitude.

21 This necessitated Japan's gearing her domestic
22 economy to enable her to carry on such activities while,
23 at the same time, keeping herself prepared to seize all
24 opportunities for settlement with China.

25 We will show that the negotiation with Germany

1 and Italy for strengthening the anti-Comintern Pact
2 was not for purposes of aggression, but to improve
3 Jap 's international position and to induce China to
4 abandon her pro-Comintern and anti-Japanese policies
5 and to strengthen Japan against the Soviet menace in
6 the North and to save continental China from chaos.

7 That Germany's conclusion of a non-aggression
8 pact with the Soviet Union ended the matter.

9 We will show that with respect to the advance
10 of some Japanese troops from China to Indo-China in
11 September 1940, ITAGAKI had nothing whatever to do
12 with it and was and is not responsible in any way.
13 That transfer of troops was made by Imperial Head-
14 quarters in Tokyo which detached the force from the
15 China Army and then ordered them to Indo-China.

16 Counts 15, 23, and 33 relate to this matter.

17 From July 1941 to April 1945, ITAGAKI was in
18 command of the Korean Army and had no part in the plan
19 for or opening of the Pacific War. The Korean Army
20 was on a peace-time footing up to February 1st, 1945,
21 and had no operational duties in connection with the
22 Pacific War.

23 From April 1945 to the termination of the war,
24 ITAGAKI was in Singapore as Commander of the 7th Area
25 Army.

We will show that with respect to prisoner of war camps, they were under the control of the Southern Area Army and administered under the regulations promulgated by the Central Bureau in Tokyo. The only function falling within the duty and responsibility of the 7th Area Army was to hold the custody of such prisoners and to supply them. ITAGAKI at all times endeavored to see to it that all prisoners were dealt with fairly and provided with food, shelter, clothing, and medical care within the limits of the facilities available. Allied sinkings of supply ships and severing of transport and communication lines in the area caused a critical shortage of supplies, but he made the best possible use of them. Prisoners received substantially the same rations as Japanese soldiers.

1 At this time, if the Tribunal please, Mr.
2 YAMADA will present the first of the documents on the
3 list.

4 THE PRESIDENT: Mr. YAMADA.

5 MR. YAMADA: We offer in evidence defense
6 document 2528, a table of political problems towards
7 China, certifying various facts of anti-Japanese move-
8 ment and resistance against Japan before the outbreak
9 of the Manchurian Incident, which was compiled and pub-
10 lished in 1931, based on the materials collected by the
11 Osaka Chamber of Commerce and Industry.

12 THE PRESIDENT: Judge Hsiang.

13 JUDGE HSIANG: If it please the Tribunal, the
14 prosecution objects to the admission of this document
15 on various grounds. This document, dealing with the
16 alleged matters of wide range which are said to have
17 occurred in periods as early as 1908, 1909, etc., should
18 not be introduced at the present stage.

19 THE PRESIDENT: This particular Chamber of
20 Commerce is not the body to prepare this statement of
21 disputes between Japan and China on its surface value.
22 Another Chamber of Commerce might take a different view
23 and prepare a different list of disputes.

24 JUDGE HSIANG: Your Honor, we contend that if
25 it should be admitted at all, it should properly belong

1 to the general phase, namely, the Manchurian phase.
2 To support our contention we need only refer to the
3 ruling of the Tribunal announced on the 11th of last
4 September, transcript page 28,274, which reads as
5 follows: "If in the course of an individual case,
6 evidence which might have been received on a general
7 phase is tendered it will not be received in the
8 individual case in the absence of convincing reasons."

9 THE PRESIDENT: We have heard your objections
10 sufficiently, Judge Hsiang.

11 JUDGE HSIANG: Yes.

12 THE PRESIDENT: Mr. YAMADA.

13 MR. YAMADA: This document is submitted to
14 show the causes of the Nanking Incident -- Manchurian
15 Incident, and the Osaka Chamber of Commerce went to
16 considerable length and engaged in profound research
17 in order to prepare a table which may be regarded as
18 complete and accurate.

19 THE PRESIDENT: You would have to prove the
20 profound research first. That is only alleged.

21 By a majority the objection is upheld and the
22 document rejected.

23 MR. YAMADA: Next, we offer in evidence defense
24 document No. 1969, the speech of Foreign Minister
25 SHIDEHARA in the parliament.

1 This is a speech made in January, 1931, by
2 For. gn Minister SHIDEHARA in the parliament, which
3 will show the diplomatic policy towards China of the
4 Japanese Government at that time, and that it had
5 great concern in the Japanese interests in Manchuria
6 and Mongolia.

7 THE PRESIDENT: That is also perfectly general.

8 JUDGE HSIANG: Your Honor, we offer the same
9 objections for the same reasons.

10 MR. YAMADA: This document is submitted to
11 show what the national public opinion of Japan was at
12 that time and we submit it is relevant to the actions
13 of ITAGAKI as a staff officer of the Kwantung Army both
14 directly and indirectly.

15 JUDGE HSIANG: We submit, your Honor --

16 THE PRESIDENT: You have already had your say.

17 The objection is sustained and the document
18 rejected.

19 MR. YAMADA: Next, we offer in evidence defense
20 document No. 1948. This is a speech made by Premier
21 WAKATSUKI at Toyama, and was reported in the Kokumin
22 Shimbun (Kokumin Newspaper) dated 6 September 1931.

23 This document will indicate the diplomatic
24 policy towards China of the Japanese Government at that
25 time, and also the fact that it had a great concern in

1 the Japanese interests in Manchuria and Mongolia.

2 THE PRESIDENT: Judge Hsiang.

3 JUDGE HSIANG: We object to the introduction
4 of this document on the same grounds for similar reasons.

5 THE PRESIDENT: It is rejected as being general.
6 The objection is sustained and the document rejected.

7 MR. YAMADA: Next, we offer in evidence defense
8 document No. 720. This is a speech made by Premier
9 WAKATSUKI at Akita and was reported on the Hinode (Rising-
10 Sun) Newspaper dated 21 July 1931.

11 This document, like the former one, also will
12 show the diplomatic policy towards China of the Japanese
13 Government at that time, and that it had a great concern
14 in the interests in Manchuria and Mongolia.

15 JUDGS HSIANG: We object to the introduction
16 of this document on similar grounds.

17 THE PRESIDENT: The objection is sustained and
18 the document rejected.

19 MR. YAMADA: We now call the witness SHIMAMOTO,
20 Soichi or Masaichi.

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1 M A S A I C H I S H I M A M O T O, recalled as a
2 witness on behalf of the defense, having been
3 previously sworn, testified through Japanese
4 interpreters as follows:

5 THE PRESIDENT: You still on oath.

6 DIRECT EXAMINATION

7 BY MR. YAMADA:

8 Q Please state your name and address.

9 A My name is SHIMAMOTO, Masaichi; my address
10 No. 872 Monobe, Sumoto-Shi, Hyogo-ken.

11 MR. YAMADA: Please show the witness defense
12 document 2036.

13 (Whereupon, a document was handed to
14 the witness.)

15 Q Is that your affidavit?

16 A Yes.

17 Q Are its contents true and correct?

18 A Yes.

19 MR. YAMADA: I offer defense document 2036 in
20 evidence.

21 THE PRESIDENT: Judge Hsiang.

22 JUDGE HSIANG: Your Honor, the prosecution
23 objects to this affidavit on the following grounds:

24 First, the affidavit covers matters which
25 should belong to the general phase. The defendant

1 ITAGAKI was only casually mentioned on page 4.

2 Secondly, evidence of many activities transacted
3 by an alleged drunken officer is not the best evidence.

4 Thirdly, many matters testified to in the
5 affidavit were already tendered in evidence in the general
6 phase. This affidavit is therefore repetitious. In
7 our submission, it should be rejected in its entirety.

8 THE PRESIDENT: Mr. YAMADA.

9 MR. YAMADA: This witness was a unit commander
10 at the time of the outbreak of the Manchurian Incident.
11 He will be able to clarify the important question of
12 whether at the time of the Lukouchiao Incident the
13 railway was blown up by regular Chinese soldiers or not.

14 THE PRESIDENT: You won't get much information
15 that is reliable from a man who says he was drunk on
16 the night that it happened and this man says that.

17 We have had a lot of this evidence. that was
18 appropriate to the general phase and we have had it in
19 the general phase.

20 MR. YAMADA: The witness SHIMAMOTO was the
21 Commander of the forces that attacked Peitaying when the
22 Manchurian Incident broke out. No witness is a competent
23 as he -- has as much knowledge as he of the circumstances
24 at the time of the outbreak of the Incident. This
25 witness is the only one who can successfully answer the

1 prosecution's charges that is relative to the question
2 of whether the railway was blown up by Chinese or
3 Japanese soldiers. Furthermore, when this witness
4 left to attack Peitaying, he stopped on his way at the
5 Mukden Special Service Organ where he met the accused
6 ITAGAKI himself, and, therefore, he is an important
7 witness who will be able to testify to the actions of
8 ITAGAKI which naturally will involve the question of
9 responsibility of the accused at the time of the outbreak
10 of this Incident.

11 THE PRESIDENT: You are misrepresenting the
12 affidavit, if I am correctly informed. He says nothing
13 about ITAGAKI I am told. I haven't read it all.
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1 JUDGE HSIANG: He mentions ITAGAKI at the
2 bottom of page four. '

3 THE PRESIDENT: Merely that they met. That
4 is all, is it not?

5 MR. YAMADA: The witness testifies relative
6 to the question of whether ITAGAKI actually directed
7 the attack or not, and testifies that that was not so.

8 THE PRESIDENT: The Lytton Commission took a
9 lot of evidence but came to no conclusion about this.
10 We have taken a lot of evidence and can hardly hear
11 you say this is the only man who can testify about
12 this. The matter is appropriate to the general phase.
13 There is nothing special about it.

14 The objection is sustained and the document
15 rejected.

16 MR. YAMADA: With all respect, I should like
17 to request a direction from the Tribunal. Defense
18 document 1022 which is to be presented later was
19 written by the witness SHIMAMOTO and describes
20 extensively the circumstances of the outbreak of the
21 Manchurian Incident. I should like to have this docu-
22 ment identified by the witness.

23 May defense document 1022 be shown to the
24 witness?

25 (Whereupon, a document was handed

to the witness.)

1 Q Was this document compiled by yourself?

2 A Yes.

3 THE PRESIDENT: Tender it for identification
4 and settle the matter that way.

5 MR. YAMADA: May the witness be released on
6 the usual terms?

7 THE PRESIDENT: He is released accordingly.

8 (Whereupon, the witness was excused.)

9 CLERK OF THE COURT: Defense document 1022
10 will receive exhibit No. 3295 for identification
11 only.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3295 for identification only.)

15 MR. YAMADA: Exhibit No. 3295, is it?

16 I should like to read court exhibit 3295.

17 JUDGE HSIANG: I want to call attention to
18 the fact that defense document 1022 was marked for
19 identification only.

20 THE PRESIDENT: It was marked for identifica-
21 tion only; it was never tendered in evidence; it was
22 tendered for identification only and was so marked.

23 MR. YAMADA: I wish to present an extract
24 from defense document 1022 in evidence.
25

1 THE PRESIDENT: You may do that. Where is
the extract?

2 MR. YAMADA: I desire to read from the
3 bottom of page --

4 THE PRESIDENT: You have to tender the ex-
5 tract. Obviously, Mr. Mattice, this counsel does not
6 understand the procedure of the Tribunal and we are
7 going to have a lot of trouble unless you take over.

8 You said you were tendering an extract from
9 a document which has been marked for identification
10 only. Where is the extract? It should be taken out
11 of the document tendered for identification and dis-
12 tributed separately. That is a procedure that has
13 never been departed from.

14 MR. YAMADA: I shall do so, your Honor.

15 THE PRESIDENT: Have you the extracts ready?

16 MR. YAMADA: The entire document is presented
17 and a portion of it is to be presented.

18 THE PRESIDENT: That is unintelligible. It
19 is a contradiction in terms.

20 MR. YAMADA: I wish to present a portion of
21 defense document 1022 in evidence.

22 THE PRESIDENT: The prosecution must know in
23 advance what portion because they won't know whether
24 to object or not.
25

1 MR. YAMADA: I wish to present that portion
2 of the document from five lines before the bottom of
3 page 3 to the sixth line on page 7.

4 JUDGE HSIANG: If it please the Tribunal, the
5 prosecution objects to the admission of this document
6 in evidence. It is a statement prepared for the con-
7 sumption of newspaper men -- Japanese and foreign
8 correspondents. It should not be admitted in the
9 individual case.

10 THE PRESIDENT: It is appropriate to the
11 general phase, and it is repetitive, and it should
12 be objected to for the same reason that the affidavit
13 was objected to, I take it?

14 JUDGE HSIANG: Yes, your Honor.

15 THE PRESIDENT: The objection is sustained
16 and the document rejected.

17 MR. YAMADA: Next we offer in evidence de-
18 fense document 953, a public statement of Kwantung
19 Army Headquarters on 4 October 1931.

20 This document will show that the Kwantung
21 Army recognized the blasting of the railway on 18
22 October as the result of the outrageous act of the
23 soldiers of the Chinese regular army, and that though
24 there happened in many places movements for creating
25 new political powers, there were no symptoms to

1 install their old chieftains as their heads, and that
2 the Kwantung Army had cherished no desire to have any
3 new State established which should be seceded from
4 Chinese sovereignty.

5 THE PRESIDENT: Judge Hsiang.

6 JUDGE HSIANG: If it please the Tribunal, the
7 prosecution objects to this document. In the first
8 place, this is not a factual statement, but a state-
9 ment of opinions, conclusions and criticisms. It is
10 quite irrelevant and immaterial to any defense --
11 individual defense case.

12 Our third point is that it is repetitious,
13 if it contains any fact at all.

14 We submit that this document should be ad-
15 mitted in toto.

16 THE PRESIDENT: Rejected in toto.

17 JUDGE HSIANG: Rejected, I mean. I beg your
18 pardon.

19 MR. YAMADA: This document includes the facts
20 at that time and is not a statement of opinion alone.

21 THE PRESIDENT: Objection sustained and docu-
22 ment rejected.

23 MR. YAMADA: Next we offer in evidence de-
24 fense document No. 1947, the first declaration of the
25 Imperial Government regarding the Manchurian Incident

1 of September 24, of the 6th year of Showa (1931).
2

3 This declaration will show that the movement
4 of the Kwantung Army was an act of self defense, and
5 that the Japanese Government had no territorial am-
6 bition in Manchuria.
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THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: We will object to the introduction of this document for the same reasons: It ought to belong to the general phase and is repetitious.

THE PRESIDENT: The objection is sustained and the document rejected.

MR. YAMADA: Next we offer in evidence defense document No. 1946, being the second declaration of the Imperial Government regarding the Manchurian Incident, issued on October 26 of the 6th year of Showa (1931). This declaration will indicate that the Japanese Government was ready to enter into negotiations with the Chinese Government concerning the problem of the agreement for basic general rule to establish firmly a normal relation between China and Japan, as well as the problem concerning the withdrawal of troops to the Manchurian Railway zone.

THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: For the same reasons we object to this document.

THE PRESIDENT: The objection is sustained and the document rejected.

MR. YAMADA: Next we offer in evidence defense document No. 1949. This is the third statement by the

Japanese Government on the Manchurian Incident. The
1 document will show the necessity of keeping order in
2 Manchuria and Mongolia and the unevoidability of the
3 advance west of Liao River by the Kwantung Army.

4 THE PRESIDENT: Judge Hsiang.

5 JUDGE HSIANG: We offer our objections for
6 the same reasons.

7 THE PRESIDENT: The objection is sustained
8 and the document rejected.

9 MR. YAMADA: Next we offer for identifica-
10 tion the book entitled "The Round Table Talk of the
11 Japanese and Chinese Notables on the Establishment of
12 the New Manchuria and Mongolia," and offer in evidence
13 an excerpt from it.

14 The document concerned is a record of the
15 round table talk held at Yamato Hotel, Mukden, between
16 Japanese and Chinese notables on the establishment of
17 new Manchuria and Mongolia, sponsored by the Asahi
18 Shinbun Sha (Asahi News Company). At this meeting such
19 important Chinese personages as Messrs. Yu Chung-han,
20 Ting Chien-hsiu, etc., stated the necessity of establish-
21 ing a new state as a remedy for the Manchurian and Mon-
22 golian incidents.

23
24 THE PRESIDENT: Why are you tendering those
25 documents at this stage? They should have been tendered

1 in the general phase, assuming they are material or
2 relevant or had probative value.

3 MR. YAMADA: We were unable to take the
4 necessary steps for submission of these documents during
5 the general phase.

6 THE PRESIDENT: Why?

7 MR. YAMADA: Because many documents had been
8 lost. ~~We~~ we were unable to uncover some of them.

9 THE PRESIDENT: This has a very low number,
10 881. You must have had it a long time.

11 MR. YAMADA: Yes, they were prepared somewhat
12 early, but they were not discovered by the time the
13 general phase ended.

14 THE PRESIDENT: When I ask you a question you
15 are obliged to give a truthful answer, not an evasive one.

16 That document was discovered. It has a low
17 number. It was registered early.

18 Is there any objection?

19 JUDGE HSIANG: Your Honor, to be consistent,
20 we ought to offer objections, but there are passages in
21 it we would like to have in.

22 THE PRESIDENT: You are not objecting?

23 JUDGE HSIANG: That is the reason why the
24 prosecution is not objecting to this document.

25 THE PRESIDENT: I only want to know if you are

1 objecting. You are not.

2 Admitted on the usual terms.

3 CLERK OF THE COURT: Pamphlet entitled "Con-
4 struction of New Manchuria and Mongolia" will receive
5 exhibit No. 3296 for identification only, and the ex-
6 cerpt therefrom, being defense document 881, will re-
7 ceive exhibit No. 3296-A.

8 (Whereupon, the document first re-
9 ferred to was marked defense exhibit 3296 for
10 identification, and the excerpt therefrom, being
11 document 881, was marked defense exhibit 3296-A
12 and received in evidence.)

13 MR. YAMADA: I shall now read court exhibit
14 3296-A, the first, second, third, fourth, fifth, to the
15 sixth line of page 6, and then from the sixth line of
16 page 7 to the tenth line of page 9.

17 THE PRESIDENT: Read.

18 MR. YAMADA (reading): "Excerpts from 'Con-
19 struction of New Manchuria and Mongolia.'

20 "A Discussion Meeting of Japanese and Chinese
21 Notables Under the Auspices of the ASAHI Newspaper.
22 At the YAMATO HOTEL IN MUKDEN, January 11, 1932.

23 "Persons Present: Chinese: Yu Chung-han,
24 Director of the District Autonomy of Mukden Provincial
25 Government; Ting Chien-hsiu, Chairman of the Northeastern

1 Communication Committee; Wu En-pei, Governor of the
2 Official Bank of the Three Eastern Province; Chao Hsin-
3 po, Mayor of Mukden, Dr. of Law; Chao Peng-ti, the
4 Chief and Secretary-general of the Finance Bureau of the
5 Mukden Provincial Government; Ho Ssu-chang, Secretary
6 of the Mukden Provincial Government.

7 "Japanese: (Kwantung Army) Lt. Col. ISHIHARA,
8 Kanji, Staff Officer of the Kwantung Army H. Q.; Lt.
9 Col. MATSUI, Chief of the Press Section of the Kwantung
10 Army; Captain KATAKURA, Chu, Staff Officer of the Kwan-
11 tung Army; KOMAI, Tokuzo, Chief of the Administration
12 Section.

13 "(Navy) Captain KUBOTA, Hisaharu.

14 "(Kwantung Government.) KAWAI, Tatsuo, Chief
15 of Foreign Affairs' Section, Consulate-general of Mukden;
16 MORISHIMA, Morito, Consul; Wu Tou-huan, Vice-consul.

17 "(South Manchuria Railway Co. Ltd.) MURAKAMI,
18 Giichi, Director; SUDO, Masaju, Director; USAMI, Kanji,
19 Director of the Mukden Office.

20 "(Advisors) KANAI, Shoji, Advisor of the Pro-
21 vincial Government, and Dr. of Medicine; IROBE, Mitsugu,
22 Director of the Bank of Chosen, and the financial advisor
23 of Mukden Province.

24 "(Civilians) ETO, Toshio, Chief Librarian of
25 Mukden; ISHIDA, Takei, Director of the Hoten Shimbun (T.N.

1 Mukden Newspaper) President of the Mukden Chamber of
2 Commerce; NOGUCHI, Tanai, Director of the Japanese Resi-
3 dent Society of Mukden; SHINOZAKI, Yoshiro, Chief
4 Secretary of the Dairen Chamber of Commerce; NOZOE,
5 Takao, Chief secretary of the Mukden Chamber of Commerce.

6 "Ambassador YOSHIZAWA's Statement to the Dis-
7 cussion Meeting for the Construction of New Manchuria
8 and Mongolia.

9 "I heard that a discussion meeting on the
10 Manchurian problem will be held here tonight (January 11,
11 1932) under the sponsorship of the Asahi Newspaper. I
12 regret that I will not have the opportunity to attend,
13 because I am to leave before that date. I believe that
14 it was well that I was able to personally see and hear
15 the various affairs in Manchuria on my way back. Mil-
16 itary activities in Manchuria seem to be settled generally.
17 The important problem is the future construction of
18 Manchuria and Mongolia, and it requires the people to
19 be determined to give their best effort. Japan is play-
20 ing a part in the present world-wide international economi
21 life. Her diplomacy in the International relations is
22 also similar. Therefore Japan must properly settle the
23 problems of Manchuria and Mongolia in front of the world.

24 "The Peaceful Land of Manchuria and Mongolia.
25 How Can It Be realized?

"TAKECHUI: (Chief of our Pukden Office)

"I shall give a few words of introduction.

Manchuria and Mongolia is gradually emerging into a new construction era from the chaotic relations which prevailed up to now. It is the responsibility of the newspapers, I believe, at this time to report through the papers the opinion of influential people who are in the front lines of Manchuria and Mongolia. Furthermore, since we feel that it is significant, we have invited you to gather here to hold a 'Manchuria Mongolia Political and Economic Discussion Meeting' in connection with the construction of Manchuria and Mongolia. We are honored and grateful that so many of you have kindly attended in spite of these busy and difficult times. We will now go into the discussion, and I hope that you will all speak freely. For convenience's sake, let us generally divide the topics into politics, diplomacy, economy, military affairs, national defense, thoughts and culture, in giving your opinions. By the way, I wish to inform you that Ambassador YOSHIZAWA was not able to attend because of his departure schedule, but he has specially sent us a message (printed elsewhere) which I will now read. (Reads). Well, let us start.

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1 "First, about the remedial measures of Man-
2 churia and Mongolia. We believe that not only the
3 problems of new regime or one of a new independent
4 nation, but also the problem of the unification of the
5 Japanese organs in Manchuria are the central issue
6 which is being faced at present. Therefore, we would
7 like to first hear from the Chinese directly concerned
8 with those points.

9 "MR. Yu, (Yu Chung-han), will you please
10 start?

11 "--For the Construction of a new Nation --
12 The most important thing is the respect for public
13 opinion.

14 "Mr. Yu Chung-han: (Director of the district
15 autonomy of MUKDEN Provincial Government.)

16 "Unfortunately, I am suffering from an ill-
17 ness and do not have any eve gay to-day. Simply
18 speaking, the best thing after all is to construct a
19 new nation, as you have said. This is the most nec-
20 essary thing, but I believe that it is most important
21 to respect the will of the people in the construction.

22 "Ting Chien-hsiu: (Chairman of the North-
23 Eastern Communication Committee.)

24 "I am of the same opinion.

25 "Lieutenant-colonel ISHIHARA, Kanji, (staff

officer of the Army H. Q.).

1 "I think that is the best if the Chinese
2 notables have such wishes.

3 "TAKEUCHI: If that is the case to what sort
4 of a national constitution and form of administration
5 should the new independent nation of Manchuria and
6 Mongolia conform?

7 "Mr. Yu Chung-han: That cannot be answered
8 immediately without study. A Constitutional Monarchy
9 is better."

10 I now skip to page 7, starting with "ISHIDA,
11 Takei: (Director of the HOTEN SHIMBUN. (T.N. MUKDEN
12 News paper/)

13 "I haven't particularly thought about the
14 form of administration, but since there are govern-
15 ments established in every province, I believe it will
16 be well to establish an administration as a result of
17 the conferences of these provinces, based upon the
18 public opinion which Mr. Yu Chung-han mentioned. I
19 think it is premature for us to express our opinions
20 now about deciding on a monarchy or a republic and
21 such. Don't you think that this problem should be
22 held up for a little while? I am still very anxious
23 as to whether or not the independent nation for which
24 we hope will actually be realized as desired. This
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comes before the question of the form of administration.

"TAKEUCHI: When it comes to the construction of a nation, the next problem which comes up is probably that of whether the new Manchuria-Mongolia independence should adopt the present provincial division, in other words, the administrative division of the Four North-Eastern Provinces of Liaoning, Kirin, Heilungkiang and Jehol; or make six provinces by making the HARBIN Eastern Province & special District a province and add this, together with the autonomous territory of Mongolia, to the aforementioned four.

"Yu Chung-han: Such factors as history, human nature, custom and communication has connections with such a thing. There are many arguments whether to make them (provinces) small or whether to leave them as they are. Last year among the Chinese the NANKING Government held discussions orally and on paper as to whether they should create 24 provinces or 58 provinces or fifty some odd provinces, but did not reach a conclusion in the end. I do not believe that this problem can be settled immediately, and do not think that it will be solved easily. However, autonomy is necessary for any country, and since it is the foundation, if it is not carried out satisfactorily, no nation will be able to carry on. Of course, I hope

Mukden will be made its model.

1 "TAKEUCHI: Where does the basic policy lie
2 in the present autonomous system of MUKDEN Province?

3 "Good Government and the Rule and Right. New
4 Policy of Autonomy.

5 "Yu Chung-han: Though the district autonomy
6 system has been established generally for many years --"

7 THE MONITOR: On the English page numbered 7,
8 instead of reading from "ISHIDA," Japanese counsel started
9 reading from the last paragraph, "TAKEUCHI," so I would
10 like for the court reporter to strike off the para-
11 graph under the name of "ISHIDA" to the end --

12 MR. YAMADA: (Continuing reading)

13 "Yu Chung-han: Though the district autonomy
14 system has been established generally for many years,
15 it has not been thoroughly effective due to the in-
16 fluence it has received from internal disturbances.
17 The present urgent duty is to restore the former system,
18 to avoid empty theories and to promote the people's
19 happiness. The new autonomous policy of MUKDEN Pro-
20 vince has as its slogan the principle of good govern-
21 ment and that of the rule of right. I cannot agree to
22 adopt the electoral district system in view of the past
23 evils of China. In short, the aim of autonomy is to
24 create a land of ease, by allowing the people to have
25

1 security of clothing, food, and homes, and by les-
2 sening the gap between the rich and the poor."

3 That is all.

4 THE PRESIDENT: Language Section, your
5 Japanese and English copy should be properly marked.
6 Otherwise, we will have chaotic conditions here.
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1 MR. YAMADA: That is so, sir. I shall do
2 that.

3 Next we offer defense document No. 1895,
4 "Memoirs of Mr. Yu, the Chief of Inspection Board"
5 for identification and an excerpt thereof in evidence.

6 The document being compiled by the Inspection
7 Board of the Manchurian Government, the contents are
8 accurate. The part of the document to be produced
9 in evidence is Mr. Yu Chung-han's political conviction
10 toward the new regime.

11 As it has been pointed out by the testimony
12 of the witness KATAKURA, exhibit 2403, and the Lytton
13 Report, it is to be recognized that the ideal of es-
14 tablishing Manchukuo came from Mr. Yu Chung-han's
15 principle of "securing the border and protecting the
16 people" and the principle of practicing the Kingly
17 Way.

18 Accordingly, we consider it would be import-
19 ant and useful to the Tribunal to make clear what was
20 Mr. Yu Chung-han's political views toward the new
21 regime.

22 JUDGE HSIANG: Your Honor, we object to the
23 introduction of this document. This is an excerpt of
24 an individual's political view written by another man
25 called FUJIYAMA. It certainly should not be admitted

1 at the present stage, and it is irrelevant and imma-
2 terial.

3 THE PRESIDENT: The objections are sustained
4 and the document rejected.

5 MR. YAMADA: Next we offer in evidence a
6 copy of the report of the former Commander-in-Chief
7 of the Kwantung Army, General HONJO, to the Emperor
8 on 8 September, 1932.

9 The contents of the document, being a pre-
10 sentation to the Emperor, were accurate and true. The
11 report will recite that the military activities of
12 the Kwantung Army in the Manchurian Incident were for
13 self-defense and that the establishment of Manchukuo
14 had its root in the general will of the peoples re-
15 siding in Manchukuo.

16 THE PRESIDENT: Judge Hsiang.

17 JUDGE HSIANG: Your Honor, in this document,
18 on page 11, there is one sentence that says the Kwan-
19 tung Army has contributed to their welfare and to
20 the work of founding Manchukuo. This is a statement
21 of fact. Nevertheless, we think it is not time to
22 have this document introduced. It belongs to the
23 general phase, not the individual phase.

24 THE PRESIDENT: The objection is sustained
25 and the document rejected.

1 MR. YAMADA: Next we offer defense docu-
2 ment 1910, "History of the Youth League of Manchuria,"
3 for identification and offer in evidence an excerpt
4 from the document. By this document we will make
5 clear the inauguration declaration of the Concordia
6 Society of Manchukuo and the principles of the Con-
7 cordia Society. Thus we will show with what purpose
8 the Concordia Society of Manchukuo was created and
9 what was the main object of the activities of the
10 said Society.

11 THE PRESIDENT: Judge Hsiang.

12 JUDGE HSIANG: Your Honor, I believe the
13 learned counsel has described the document perhaps
14 too much at length. This should not be admitted be-
15 cause it properly belongs to the general phase if
16 admitted at all and has nothing to do --

17 THE PRESIDENT: The objection is sustained
18 and the document rejected. This is exactly the same
19 thing. There is no need to go over the arguments.

20 MR. YAMADA: We now call the witness OZAWA,
21 Kaisaku.

22 THE PRESIDENT: We will recess for fifteen
23 minutes.

24 (Whereupon, at 1045, a recess was
25 taken until 1100, after which the proceed-
ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Dr. YAMADA.

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5 K A I S A K U O Z A W A, called as a witness on
6 behalf of the defense, being first duly sworn,
7 testified through Japanese interpreters as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. YAMADA:

11 Q Please state your name and address.

12 A My name is OZAWA, Kaisaku; my address is:
13 Kanamura, Kanade, Ashigara-gun, Kanagawa Prefecture.

14 MR. YAMADA: Please show defense document
15 2554 to the witness.

16 Q Is that your affidavit?

17 A Yes.

18 Q Are the contents thereof true and correct?

19 A Yes.

20 MR. YAMADA: I offer defense document 2554
21 in evidence.

22 THE PRESIDENT: Judge Hsiang.

23 JUDGE HSIANG: If the Tribunal please, the
24 prosecution objects to this document, to this affidavit,
25 except the last paragraph, namely, paragraph 5 on

1 page 3. This is repetitious because the prosecution
2 and the defense did introduce this evidence before.

3 THE PRESIDENT: No, we do not want to hear
4 a long account of this society only to be told at the
5 end of the account that the accused was not a member
6 of it. The last sentence, I suppose, should be
7 admitted because it does bear on ITAGAKI's case.

8 MR. YAMADA: The prosecution has charged
9 that the Concordia Society of Manchukuo was formed
10 for the purpose of aggressive war; therefore, it is
11 important for the defense to meet this charge by
12 proving that the Concordia Association was formed
13 for the purpose of promoting harmony between the races
14 and of establishing an empire of peace and tranquility
15 based on the Royal Way and also was a society for the
16 purpose of enabling the people to express their wishes.

17 THE PRESIDENT: The objection is sustained
18 and the document rejected except the last paragraph
19 thereof which is admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 2554
21 will receive exhibit No. 3297.

22 (Whereupon, the document above
23 referred to was marked defense exhibit
24 No. 3297 and received in evidence.)

25 MR. YAMADA: I shall read exhibit No. 3297,

1 the affidavit of OZAWA, Kaisaku as admitted:

2 "5. Colonel ITAGAKI of the Kwantung
3 Army was not a member of preparation committee of
4 this Kyowakai. The Colonel had nothing to do with
5 the establishment of the Kyowakai."

6 THE PRESIDENT: I think the operations of
7 that society are already described in the prosecu-
8 tion's evidence. Whether we accept that evidence or
9 not, we know what the society is really.

10 JUDGE HSIANG: The prosecution does not
11 propose to cross-examine this witness. I would
12 like to refer to exhibit 731-A, pages 7606-15.

13 MR. YAMADA: Is there no cross-examination?
14 May the witness be released on the usual terms?

15 THE PRESIDENT: He is released accordingly.

16 (Whereupon, the witness was excused.)

17 MR. BANNO: I am Counsel BANNO.

18 As our next witness we call KOKUBU, Shinhi-
19 chiro.

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1 S H I N H I C H I R O K O K U B U, called as a
2 witness on behalf of the defense, being first
3 duly sworn, testified through Japanese inter-
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. BANNO:

7 Q Please state your name and address.

8 A My name is KOKUBU, Shinhichiro; my address:
9 Sakae-machi, Isshinden-cho, Kawage-gun, Mie Prefec-
10 ture.

11 MR. BANNO: Please show the witness defense
12 document 2042.

13 Q Is that your affidavit?

14 A Yes, it is; however, there is one misprint.

15 Q Please tell it to us.

16 A The misprint is to be found in paragraph
17 numbered 4, the eighth line. "Till the end of April"
18 should read, "till the end of March of the same year."

19 Q Are the remaining portions of the affidavit
20 true and correct?

21 A Yes.

22 MR. BANNO: I offer defense document 2042 in
23 evidence.

24 THE PRESIDENT: Judge Ny1.

25 JUDGE NYI: May it please the Tribunal, the

1 prosecution objects to this affidavit on the ground
2 that it contains opinions and conclusions rather than
3 facts. It also gives character evidence and recites
4 orders and instructions, the originals of which are
5 not produced.

6 Our objection is particularly directed to
7 paragraph 3 on page 2 in which the witness cites the
8 opinions and principles of ITAGAKI. The fourth and
9 fifth paragraphs on page 3 refer to the movements of
10 ITAGAKI and his troops which are irrelevant to the
11 issues of this case. The whole of the sixth para-
12 graph refers to orders and instructions of army
13 commanders, the originals of which are not produced.
14 Paragraph 7 on page 9 is nothing but character evi-
15 dence. Paragraph 8 refers to ITAGAKI's ideas,
16 vis-a-vis Sino-Japanese relations, and also attempts
17 to give character evidence at the very end.

18 After the deletion of the mentioned para-
19 graphs, the rest of the affidavit, that is, paragraphs
20 1 and 2, standing alone would be meaningless. We
21 therefore object to the affidavit in its entirety.

22 MR. BANNO: Mr. President, as to the objec-
23 tion relative to paragraphs 4 and 5, namely, that the
24 movements of the fifth division are irrelevant, this
25 testimony is offered for the purpose of proving that

1 the fifth division had nothing to do with the so-
2 called rape of Nanking by showing the actual move-
3 ment of the fifth division and, therefore, this
4 portion of the affidavit has a direct bearing on the
5 responsibility of the accused in regard to this so-
6 called incident.

7 THE MONITOR: After the first mention of
8 fifth division insert, "under the command of ITAGAKI."

9 MR. BANNO (Continuing): As to the non-
10 existence of the orders and instructions mentioned
11 in paragraph 6, the witness himself has testified
12 concerning their nonexistence and if any doubt still
13 remains it can be cleared up through cross-examination.

14 THE PRESIDENT: By a majority the objections
15 are overruled and the document admitted on the usual
16 terms.

17 It is to be understood that we do not admit
18 opinions or anything like that or take the contents of
19 documents unless the documents are accounted for or
20 produced.

21 CLERK OF THE COURT: Defense document 2042
22 will receive exhibit No. 3298.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 3298 and received in evidence.)

1 MR. BANN0: Leaving out the portions objected
2 to, I shall read court exhibit 3298:

3 "1. I, KOKUBU, Shinhichiro, am an ex-Lieu-
4 tenant-general and live at Sakae-machi, Isshinden-cho,
5 Kawage-gun, Mie Prefecture. I am 54 years old.

6 "2. By an order issued some time about
7 November 5th in 1937, I left the post of staff officer
8 of the Kwantung Army and was appointed staff officer
9 of the 5th Division (my rank then was lieutenant-colonel
10 and I was in charge of operations) under the command
11 of Lieutenant-general ITAGAKI, Seishiro. About June
12 15th of the following year, I left this post and was
13 transferred to the post of Senior Adjutant of the
14 Ministry of War (my rank was then colonel).

15 "Just before this, General ITAGAKI left the
16 post of Commander of the 5th Division and was installed
17 as Minister of War. I remained in my post till about
18 August 1st, 1939, and then was transferred to the post
19 of the regimental commander at Omura in Nagasaki
20 Prefecture. As shown in the above record, I served
21 closely under General ITAGAKI most of the time when he
22 was Commander of the 5th Division and Minister of War.
23 I shall depose about the events during that period."

24 Leaving out paragraph 3, I go on to paragraph
25 4:

1 "4. The 5th Division, after taking a part in
2 the battle for capturing Taiyuan, was ordered to move
3 on to Paoting in Hopei Province and was stationed
4 thereabouts from the end of November, 1937 till the
5 early part of January, 1938, undergoing training in
6 preparation for the ensuing operations. Afterwards
7 it was organized into the 2nd Army which was in the
8 Tsin-Pu Railway area. From the middle of January 1938
9 till the end of March of the same year, the division
10 was located along the Kiao-Tsi Railway (Tsingtaw,
11 Tsinan) and from April 30th on it participated in the
12 Hsuchow campaign.

13 "On the attached map I have indicated, as I
14 remembered, the movements of the 5th Division during
15 this period.

16 "5. As is clear from the foregoing statement,
17 the 5th Division was moving towards Paoting from Shansi
18 Province when Nanking fell on December 13th, 1937,
19 and it was at Paoting that Divisional Commander
20 ITAGAKI and his staff, including me, were informed
21 of the fall for the first time. It is needless to say
22 that the officers and men of the 5th Division under
23 the command of ITAGAKI had nothing to do with the
24 so-called Nanking Affair.
25

 "6. During his service, Divisional Commander

1 ITAGAKI was particularly desirous of enforcing military
2 discipline above all things and taught his officers and
3 men in this respect. Giving strict warning against any
4 unjust action that might be taken against the Chinese
5 people, he came out with a policy to punish severely,
6 according to the military law, even one man if he found
7 guilty. With regard to military discipline, he attached
8 importance to the responsibility of commanding officers
9 and other responsible officers who were under his
10 jurisdiction and went ahead to reprimand even officers
11 in such category when they neglected their duties in
12 this connection. Not only did he wish to maintain
13 military discipline in those units under his command
14 but he was also deeply concerned about that of other
15 units. He did everything to bring out the true quality
16 of the Japanese Army and to maintain its prestige."

17 The rest will be omitted and we will go to
18 paragraph 7 on page 9:

19 "7. General ITAGAKI was looked upon as a
20 so-called authority on China after his long years of
21 duties and study in China. Accordingly, he was well
22 versed in things of China and held a deep affection
23 towards the Chinese people. For example, surrendered
24 Chinese soldiers and captured bandits were not left to
25 the disposal of his subordinates, but were brought to

1 him directly whenever possible and he personally
2 questioned them with courtesy in his fluent Chinese
3 language. Immediately after the capture of Taiyuan,
4 he prohibited the soldiers from lodging in the city
5 and took precautions to prevent any illegal action
6 that might be taken against the properties of the
7 local people."

8 Skip to page 10, the second new paragraph:

9 "Also, in order to further materialize and
10 practice the Imperial messages given to the soldiers
11 and sailors to cope with the situations in the field,
12 he always maintained that it was important to make
13 and distribute among all officers and men such instruc-
14 tions as 'Battlefield Code'. The fact that our
15 so-called 'Battlefield Code' was published later
16 based on his suggestion is a proof of the fine
17 character of General ITAGAKI."

18 I should like to add that the so-called
19 'Battlefield Code' has already been received in
20 evidence as exhibit 3069.

21 You may cross-examine.

22 THE PRESIDENT: Judge NYI.

23 JUDGE NYI: May it please the Tribunal, the
24 prosecution does not desire to cross-examine this
25 witness.

KOKUBU
FURUNO

DIRECT
DIRECT

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1 MR. BANNO: May the witness be released on
2 the usual terms?

3 THE PRESIDENT: He is released accordingly.
4 (Whereupon, the witness was excused.)

5 MR. BANNO: Next we call the witness FURUNO,
6 Inosuke.

7 - - -

8 I N O S U K E F U R U N O, called as a witness on
9 behalf of the defense, being first duly sworn,
10 testified through Japanese interpreters as
11 follows:

12 DIRECT EXAMINATION

13 BY MR. BANNO:

14 Q Please state your name and address.

15 A My name is FURUNO, Inosuke, and my address
16 Tamagawara, Chofu-machi, Kitatama-gun, Tokyo.

17 MR. BANNO: Please show this witness defense
18 document 2580.

19 (Whereupon, a document was handed to
20 the witness.)

21 Q Is that your affidavit?

22 A Yes, it is.

23 Q Are the contents thereof true and correct?

24 A Yes.

25 MR. BANNO: I offer defense document 2580

in evidence.

1 THE PRESIDENT: Admitted on the usual
2 terms.

3 CLERK OF THE COURT: Defense document 2580
4 will receive exhibit No. 3299.
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6 (Whereupon, the document above
7 referred to was marked defense exhibit
8 No. 3299 and received in evidence.)
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MR. BANNO: I shall now read court exhibit No. 3299, omitting the formal parts.

"1) I, FURUNO, Inesuke, was formerly President of the Domei News Agency. As the corporation was dissolved after the close of the war, I left the aforesaid position and am now living at Tamagawara, Ohofu-machi, Kita-Tama-gun, Tokyo.

"2) It was shortly after the end of Great War I, 1921 or 1922, that I first became acquainted with Mr. ITAGAKI. At that time I was staying at Peking, serving as Chief of the Peking Bureau of the Kokusai News Agency, and Mr. ITAGAKI was also there serving as assistant officer to the military attache to the Japanese Embassy at Peking.

"3) In April, 1938 -- I was then one of the executive directors of the Domei News Agency at Tokyo -- I was preparing for a business trip to Peking when Premier KONOYE asked me to have a talk with him and I met him at his official residence. The Premier said to me, 'The Sino-Japanese Incident has unexpectedly assumed serious proportions, as you know, in spite of the government's localization policy, and there is no sign of its end. Now I think it is an urgent necessity to change our present policies so as to cope with the situation as soon as possible. To achieve it the cabinet must be

1 reformed. The successor to SUGIYAMA, the present War
2 Minister, must be such a man as can carry our locali-
3 zation policy with enthusiasm for the peaceful settle-
4 ment of the incident. Lt. General ITAGAKI, I think,
5 is well-qualified for the post. I know privately
6 that the military also seem to be in favor of the
7 appointment of ITAGAKI. As I know you (FURUNO) are
8 well-acquainted with ITAGAKI, I ask that you visit him
9 where he now is, at the front in North China, and hear
10 his frank and full opinion about the settlement of the
11 China Incident, sound him as to his intention in case
12 of his being recommended for the post of War Minister.
13 Perceiving that the Premier was eager for the peaceful
14 settlement of the incident and had made up his mind to
15 appoint ITAGAKI as successor to SUGIYAMA if possible,
16 I consented to his request.

17 "4) After that, I left Tokyo and went by way
18 of Tsingtao to Ihsien, Shantung, the advance line in
19 North China at the time. I met ITAGAKI who was then
20 staying there.

21 "I talked with him several times very confi-
22 dentially. First when I asked his opinion as to the
23 settlement of the incident, he held very earnestly that
24 we must reach a peaceful conclusion, withdrawing the
25 entire forces from China as soon as possible. Next,

as to his intention of taking the post of War Minister,
1 he stated that he was not qualified for the post as he
2 was a junior in the army and there would be not a few
3 persons fit for the position, and moreover, as he had
4 long been serving in the line of supreme command, he
5 was uninformed as to matters involved in military
6 administration.

7 "I thought, however, that his acceptance or
8 refusal would depend chiefly on the attitude of the
9 army and the Premier's enthusiasm.

10 "5) Leaving Ihsien I reached Peking by way
11 of Tsinan and sent a telegram to Premier KONOYE from
12 Peking, reporting the purport of my talk with ITAGAKI.

13 "Having my business over at Peking, I returned
14 to Tokyo at the end of May, spending two or three weeks
15 on the trip. On reaching Tokyo I met Premier KONOYE
16 at the Tekigaiso, his private residence, and gave him
17 a full account of my interview with ITAGAKI. I sug-
18 gested that ITAGAKI had a strong desire for the entire
19 withdrawal of the military forces from China and the
20 peaceful settlement of the incident."

21 You may cross-examine.

22 THE PRESIDENT: Judge Nyi.
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CROSS-EXAMINATION

1 BY JUDGE NYI:

2 Q Mr. Witness, do you know whether ITAGAKI had
3 caused any of the Japanese troops to be withdrawn from
4 China after he assumed portfolio of War Minister?

5 A The withdrawal of troops, of course, is a
6 matter that would take effect after the successful
7 consummation of the peace negotiations. But military
8 matters are beyond my province.

9 Q As a newspaper man, do you know as a fact
10 that after he became War Minister, the war in China
11 was intensified and extended to the middle and south
12 China by the Hankow and Canton operations?

13 A Yes.

14 Q Did you keep an interest in ITAGAKI's speeches
15 and activities after he became War Minister?

16 A No, I did not give any particular attention
17 to ITAGAKI after he became War Minister; but, naturally,
18 in line with my profession I gave my attention to
19 general conditions and situations.

20 Q Were you in Japan the last part of June, 1938?

21 A Latter part of June? Yes, I was.

22 Q Do you know that ITAGAKI, in an interview with
23 your news agency, that is, Domei, on June 26, 1938,
24 after he became the War Minister, stated that Japan
25

1 should be prepared to fight for ten more years and he
2 asked for popular support?

3 A While I have no recollection of that at the
4 present moment, it is possible that he may have said
5 that. But the only alternative is to look up the
6 records at that time.

7 Q To refresh your memory, will the marshal
8 please hand over this newspaper to the witness, being
9 exhibit 2197.

10 After reading that scroll, do you remember
11 anything of that interview, and is that a correct
12 statement?

13 A This is an English news item printed in the
14 newspaper "Japan Advertiser," and I do not know whether
15 the original Japanese news item pertaining to this
16 story was issued by the Domei News Agency, because it
17 does not show here; but have you any further evidence
18 to show clearly that this is a news item issued by
19 Domei?
20

21 Q Was it usually correct that the Domei inter-
22 views were printed in English newspapers correctly?

23 A As the English newspapers printed here not
24 only printed or carried stories issued by Domei but
25 also translations of news items appearing in the vernac-
ular newspapers of Tokyo, I cannot say from this whether

1 this was a Domei issue.

2 Q Have you seen anything of that sort in the
3 Japanese newspapers?

4 A In view of the fact that military operations
5 were then continuing, responsible persons in the
6 military made statements which were made public and
7 officially announced that the fight must be intensified.
8 I can generally say that that was the case. But at the
9 same time, there were uninterrupted efforts to bring
10 about peace between Japan and China.

11 JUDGE NYI: This concludes my cross-examination

12 THE PRESIDENT: Mr. BANNO.

13 MR. BANNO: There is no redirect. May the
14 witness be released on the usual terms?

15 THE PRESIDENT: He is released accordingly.

16 (Whereupon, the witness was excused.)

17 MR. BANNO: We now offer for identification
18 a book entitled, "Lost Politics - Memoirs of Prince
19 KONOYE (Fumi) Maro," published by the Asahi Newspaper
20 Company, which is defense document 2593.

21 CLERK OF THE COURT: The book, "Prince KONOYE"
22 Memoirs," will receive exhibit No. 3300 for identifi-
23 cation only.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3300 for identification.)

1 MR. BANNO: I now offer defense document 2102
2 an excerpt from exhibit for identification 3300, in
3 evidence. This excerpt will show that Prince KONOYE
4 chose ITAGAKI as a man who could bring about an end of
5 the Sino-Japanese Incident, which was continuously
6 expanding in spite of the government's policy of mini-
7 mization and urged ITAGAKI to accept the office of
8 War Minister. This action by KONOYE may be said to
9 have been an infringement of the independence of the
10 Supreme Command.

11 THE PRESIDENT: Your description is as long
12 as the document.

13 Admitted on the usual terms.

14 CLERK OF THE COURT: Defense document 2102
15 will receive exhibit No. 3300-A.
16

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 3300-A and received in evidence.)
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1 MR. BANNO: I shall now read into evidence
2 defense document 3300A.

3 "As soon as I formed the cabinet, the
4 Marco Polo Bridge Incident broke out. Despite the
5 policy of the government to localize the affair
6 the hostilities spread to the entire North China,
7 and then to even Central China. During that period
8 the attitude of the army was entirely unreliable.
9 Even the remarks of the War Minister himself were
10 inconsistent every time he made a speech. Embar-
11 rassed greatly in such state of things and with the
12 intention of changing the policy towards China, it
13 was necessary for me to change the War Minister with
14 one who was able to follow the 'localization' policy
15 which was being advocated by Lieutenant General
16 ISHIHARA, Kanji, of the General Staff Headquarters.
17 I emphatically proposed to the army that General
18 ITAGAKI, Seishiro, whose ideas were generally similar
19 to those of ISHIHARA, should enter the cabinet as
20 War Minister. However, UMEZU demanded as a condition
21 that TOJO be appointed Vice-Minister of War. With
22 this condition I succeeded in changing the Minister
23 of War. I was rather happy at that time that the
24 change of War Minister was effected by the cabinet's
25 own suggestion. Thus I went ahead with the KONOYE

1 message."

2 Next we offer defense document 2104, an
3 excerpt from "Prince KONOYE's Memoirs."

4 This shows how, following the unsuccessful
5 ending of the Trautman talks at the end of
6 1937 in his first cabinet, Premier Prince KONOYE
7 issued a statement on January 16, 1938, declaring
8 that he would have nothing further to do with
9 Chiang Kai-shek, and how, while admitting the
10 failure of that statement, he strove for a peaceful
11 solution of the conflict with China.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 2104
14 will receive exhibit No. 3300B.

15 (Whereupon, the document above-
16 referred to was marked defense exhibit
17 3300B and received in evidence.)

18 MR. BANNO: I now read court exhibit 3300B.

19 "When Nanking fell toward the end of 1937
20 peace negotiations were started with the Nanking
21 Government through the good offices of German Am-
22 bassador Trautman. It was in December 1937 that the
23 negotiations were started on the basis of the pro-
24 posals of the Japanese Government. However, the
25 Nanking Government kept delaying in giving replies

1 until January 10, and it finally resulted in our
2 so-called announcement of 'we will no longer deal
3 with Chiang Kai-shek.' This statement was made on
4 January 16. This was in effect a statement that
5 the Imperial Government would no longer negotiate
6 with the Kuomintang Government but that it would
7 wait for a new cooperative Chinese Government to
8 be set up, a new government with which negotiations
9 can be made to readjust the relations between the
10 two nations. This announcement brought about no
11 good result, the fact which I am well aware of
12 without having any one point it out for me. I
13 myself confess that it was an utter blunder. With
14 the idea that the mistake should be rectified, I had
15 made a number of attempts to straighten out the
16 estranged relations with Chunkiang but without any
17 success. On November 3, 1938 another statement was
18 issued to the effect that, if the Kuomintang Govern-
19 ment should drop its anti-Japanese policy and make
20 efforts to establish a new order in East Asia, Japan
21 would not needlessly refuse to listen. For these ten
22 months there had been no communications with the
23 Chunkiang Government. Following this moderating
24 statement I made another announcement on December 22
25 pointing out that Japan is seeking neither territory

1 nor reparations but a perfect harmony between the
2 two countries."

3 Next we offer defense document 2103, by
4 way of an excerpt from "Prince KONOYE's Memoirs."

5 This shows one of the reasons why, in the
6 face of the declaration by the cabinet and the army
7 upon the outbreak of the China Incident of their
8 nonaggression policy the affairs kept on expanding
9 contrary to their wishes.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 2103
12 will receive exhibit No. 3300C.

13 (Whereupon, the document above
14 referred to was marked defense exhibit No.
15 3300C and received in evidence.)

16 MR. BANNO: I now read exhibit 3300C.

17 "When the China Incident broke out the
18 cabinet as well as the army followed a policy to
19 localize the incident, but in reality the incident
20 steadily assumed serious proportions contrary to our
21 wishes. At that time the General Staff Headquarters
22 was headed by Prince KWAN-IN, Chief of Staff, TADA,
23 Shun, Vice-Chief of Staff and ISHIHARA, Kwanji,
24 Chief of Operations Department, while SUGIYAMA and
25 UMEZU stood most prominent in the army. Last year

1 when I asked ISHIHARA why the China Incident had
2 assumed such serious dimensions despite the fact
3 that he, the Chief of Operations Department, advo-
4 cated the policy of localizing it in line with the
5 government, he replied: 'I was betrayed by these
6 treacherous fellows who ostensibly supported me
7 while they had secretly been planning otherwise.'

8 Next we call the witness YAMAWAKI,
9 Masataka, whose affidavit is defense document
10 No. 2471.

11 - - -

12 M A S A T A K A Y A M A W A K I, called as a wit-
13 ness on behalf of the defense, being first duly
14 sworn, testified through Japanese interpreters
15 as follows:

16 DIRECT EXAMINATION

17 BY MR. BANNO:

18 Q Please state your name and address.

19 A My name is YAMAWAKI, Masataka; my address,
20 No. 348 Kanbara, Kitahara, Takaoka-gun, Kochi Pre-
21 fecture.

22 MR. BANNO: Please show the witness defense
23 document 2471.

24 Q Is that your affidavit?

25 A There are two mistakes in dates.

1 Q Please state them.

2 A Paragraph numbered 5, 9th line from the
3 bottom on page 4, "Nevertheless, on the 8th of
4 August, 1938," the year should read "1939."

5 Paragraph numbered 6, the second line of
6 paragraph numbered 6, the date, June 14, 1938, should
7 read "1939." Otherwise, the affidavit is true and
8 correct.

9 Q Then with the exception of those corrections
10 your affidavit is true and correct?

11 A That is so.

12 MR. BANNO: I offer defense document 2471
13 in evidence.

14 THE PRESIDENT: Judge Nyi.

15 JUDGE NYI: May it please the Tribunal,
16 the prosecution objects to paragraphs 5 and 7 of
17 the present affidavit.

18 In paragraph 5 the witness states the
19 reasons why ITAGAKI was in favor of the Tripartite
20 Agreement. Consequently, it contains opinions and
21 conclusions rather than facts.

22 Paragraph 7 contains character evidence,
23 which has heretofore been inadmissible in this trial.

24 MR. BANNO: We have no objection to leaving
25 out paragraph 7. As regards paragraph 5, the reasons

1 why ITAGAKI supported the Tripartite Pact -- in
2 other words, the opinions or attitude which ITAGAKI
3 had at that time is a fact, and because this atti-
4 tude or this opinion of ITAGAKI is described I do
5 not think you can call that a statement of opinion;
6 and particularly in regard to the Five Ministers
7 Conference of August 8, the witness testifies as
8 to the actual occurrences at that conference as he
9 heard them, and I believe that these things are
10 quite admissible.

11 JUDGE NYI: Your Honor, as regards ITAGAKI's
12 opinions in respect to the Tripartite Agreement,
13 we understand that ITAGAKI himself will take the
14 stand, and nobody will be better or more competent
15 to testify about that than himself.

16 THE PRESIDENT: We know that. We see his
17 name on the list.

18 The objection is sustained only as regards
19 paragraph 7. The balance of the affidavit is ad-
20 mitted on the usual terms.

21 You may read it after lunch.

22 We will adjourn until half-past one.

23 (Whereupon, at 1200, a recess was
24 taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

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M A S A T A K A Y A M A W A K I, called as a witness
on behalf of the defense, resumed the stand and
testified through Japanese interpreters as follows:

CLERK OF THE COURT: Defense document 2471
will receive exhibit No. 3301.

(Whereupon, the document above re-
ferred to was marked defense exhibit No. 3301
and received in evidence.)

THE PRESIDENT: Mr. BANNO.

MR. BANNO: I shall now read exhibit No. 3301:

"1. I, YAMAWAKI, Masataka am an ex-General and
now living at 348 Kanbara, Kitahara-Mura, Takaoka-Gun,
Kochi Prefecture.

"2. On the 19th of December, 1938 I was trans-
ferred from the post of Chief of General Affairs Depart-
ment, Inspectorate-General of Military Training to that
of Vice-Minister of War and held that position till the
middle of October 1939; subsequently I went to Central
China to take over the position of Commander of the 3rd

1 Division. Lieutenant General ITAGAKI was War Minister
2 when I was appointed Vice-Minister of War. With the
3 resignation of the Cabinet at the end of August 1939,
4 he resigned his office. As mentioned above, while I
5 was assisting War Minister ITAGAKI as Vice-Minister of
6 War, I became quite familiar with his ideals, executive
7 ability, behaviour, personality, and ability to understand.

8 "3. When I was appointed Vice-Minister of
9 War, War Minister ITAGAKI expressed orally his fundamental
10 principles of administration in regard to state affairs.
11 The essentials of what he told me, which still remain
12 in my memory were as follows:

13 "Japan and China ought not to quarrel with
14 each other, but should cooperate. We must devote our-
15 selves most ardently to bring about peace between Japan
16 and China as speedily as possible by putting an end
17 to the present unfortunate state of hostilities. Toward
18 foreign countries, we should adjust diplomatic relations
19 and promote friendship; and toward the Soviet Russia,
20 we must gain a sense of security from the standpoint of
21 national defense and remain absolutely calm. Within
22 the nation we must enforce military discipline and
23 tighten the unity within the Army, and at the same time
24 we must endeavor to increase our national strength, taking
25 into consideration a possibility that the restoration

1 of peace with China might not be realized in the
2 immediate future.'

3 "While in office, War Minister ITAGAKI's
4 efforts were concentrated along these principles, and
5 in assisting him these principles were also my principles.

6 "4. In establishing peace between China and
7 Japan, War Minister ITAGAKI approached the problem from
8 a broad point of view, his fundamental idea being mutual
9 respect for sovereignty and territorial right and mutual
10 cooperation in the fields of culture and economy. As
11 the so-called 'KONOYE's Three Principles', made public
12 on the 22nd of December 1938, were synonymous with his
13 contention, the War Minister made every effort to carry
14 them out.

15 "He cooperated with Premier KONOYE, who was
16 eager to seek peace and cooperation with Messrs. Tang
17 Shoo-i and Wu Pei-fu, and shared enthusiasm with Mr.
18 Wang Chao-ming and the rest of the Kuomintang officials
19 in their hope to set up a new central government con-
20 sisting of both Wang Chao-ming and Chiang Kai-shek.

21 "5. War Minister ITAGAKI was for strengthening
22 the Japan-Germany-Italy Anti-Comintern Agreement on the
23 grounds that Japan might be freed from her international
24 isolation through close cooperation with Germany; that
25 Germany might be induced to act as an intermediary in

1 bringing about peace between Japan and China; and that
2 at the same time the Soviet's threat from the north
3 might be mitigated.

4 "According to the information given to me by
5 War Minister ITAGAKI, the Japanese Government's basic
6 condition regarding the said Pact was:

7 "Soviet is primarily the object, but Britain
8 and France might also become our object if the situation
9 changes. In the latter case, whether or not Japan would
10 go so far as to give armed assistance to her allies
11 depends upon the circumstances. To the outside world
12 this new agreement will be explained as an appendix to
13 the Anti-Comintern Agreement."

14 "However, in attempting to utilize this pending
15 agreement for political purposes, and in spite of her
16 knowledge that Japan could not afford to participate in
17 an armed conflict, Germany maintained that Britain and
18 France would be outwardly the object of fighting and
19 refused to assent to the proposal of including secret
20 clauses in the agreement. Such being the situation,
21 many days had elapsed without any definite conclusion.
22 In the meantime the Japanese Government officials dis-
23 cussed and argued to reach a happy medium by technically
24 changing the forms and words of the agreement without
25 affecting Japan's basic conditions. And Germany had

1 begun to doubt Japan's sincerity in this matter, adding
2 much to the difficulty in concluding the agreement.

3 "The Army wished a speedy conclusion of the
4 pact in order to attain peace with China and to insure
5 a sense of security toward Soviet Russia. Some men in
6 the Army even maintained that outwardly it may be
7 unavoidable to conclude the agreement unconditionally
8 if that will help Germany to understand Japan's sincerity.

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1 "Nevertheless on the 8th of August, 1939,
2 War Minister ITAGAKI stated before the Five Ministers'
3 Conference as follows:

4 "In order to conclude the agreement we, as
5 representatives of the Army, consider that it is un-
6 avoidable to make certain changes in the form pro-
7 vided our true spirit remains embodied. However, since
8 it is impossible to change our established Government
9 policy, I will endeavor to conclude the agreement in
10 line with the policy set forth by the government. In
11 case Germany does not meet our terms, I will be glad
12 to take the political responsibility thereof.'

13 "As a State Minister, he thus clarified his
14 position to follow the established Government policy,
15 and successfully controlled the Army circles.

16 "The above is what I heard directly from him
17 on that day after the Five Ministers' Conference.

18 "6. As for the blockade of the British
19 concession in Tientsin, which occurred on June 14,
20 1939, negotiations were in progress locally since it
21 was a matter connected with the Japanese Army in North
22 China. On the 20th of June British Ambassador Craigie
23 made proposal to have the Japanese-British Conference
24 transferred to Tokyo. But our local military author-
25 ities did not quite favor the proposal, and at home an

1 anti-British movement was in the making and consequent-
2 ly rightist-led riots were feared. In spite of all
3 this War Minister ITAGAKI, who desired a speedy
4 settlement of the China Incident, gave consent to
5 the British proposal in hopes that it would be a good
6 opportunity to prove to the British the true intention
7 of Japan and to bring the negotiation to a success-
8 ful conclusion and that it would be also a step toward
9 peace between Japan and China."

10 You may cross-examine.

11 THE PRESIDENT: Judge Nyi.

12 CROSS-EXAMINATION

13 BY JUDGE NYI:

14 Q Mr. Witness, you have stated that ITAGAKI
15 had an ardent desire for peace with China. Are you
16 familiar with the methods he employed for bringing
17 about this peace?

18 A He acted as I have stated in my affidavit.

19 Q What do you mean? Do you mean you knew the
20 methods he employed?

21 A I knew what I have stated in my affidavit.

22 Q Do you know that there was a so-called
23 Special Committee on China Affairs under the Five
24 Ministers' Conference to work out the important strate-
25 gems in connection with China?

1 A I do not know.

2 Q You do know that DOHIHARA -- and you do know
3 that Tang Shoo-i and Wu Pei-fu were approached in
4 connection with the peace movement?

5 A Yes, I do.

6 Q Was this work entrusted to the so-called
7 Committee on China Affairs?

8 A I know that Lieutenant-General DOHIHARA was
9 engaged in that work at that time, but I do not know
10 what kind of a committee existed.

11 Q Was it a fact that the leading personnel were
12 sent to work on Tang Shoo-i and Wu Pei-fu? Were they
13 sent by the Army?

14 A No, I do not know -- I do not know.

15 Q You were Vice-Minister of War at that time,
16 were you?

17 A Yes, I was.

18 Q And, you did not know what happened in connec-
19 tion with this?

20 A No, I did not know.

21 Q To clarify the point which I have just raised
22 in connection with the Special Committee on China
23 Affairs, I want to tell you the exact name, the Japa-
24 nese rendering of the name. The Committee I mentioned
25 is Taishi Tokubetsu Committee. Do you know that?

1 A I do not know.

2 Q You still don't know that. Who was sent with
3 DOHIHARA to work on Tang and Wu?

4 A I do not know.

5 Q Do you recall it was BANZAI and TSUDA?

6 A I know only of Lieutenant-General DOHIHARA
7 and his activity. I know nothing of anything else.

8 Q What were Tang Shoo-i and Wu Pei-fu doing
9 at that time when DOHIHARA went to China?

10 A My recollection is that Wu Pei-fu was in
11 Peking. I do not recall very well, however.

12 Q What was Tang doing?

13 A I do not remember.

14 Q Were they living in retirement, or were they
15 in active service?

16 A In my recollection, they were retired.

17 Q Who sent DOHIHARA to work on Tang and Wu?

18 A I do not know.

19 Q Was he sent by the Minister of War?

20 A I have no recollection of that after becoming
21 Vice War Minister.

22 Q Was it one of the strategies advocated at that
23 time to work on retired Chinese statesmen and generals
24 like Tang and Wu, in order to bring about the self-
25 destruction of the then existing government?

1 A That may have been one of the methods employed
2 by War Minister ITAGAKI as a means of attaining the
3 ideal he held in connection with the relations between
4 the two countries, but I do not know whether anything
5 of this nature was calculated to seek self destruc-
6 tion of the Chinese Government or to bring about a
7 peace settlement between our two countries.

8 Q And, that was being done in parallel with
9 the intensified military actions, is that correct?

10 A As to the time, I have no recollection.

11 Q Was there at that time, in the Spring of
12 1939, a DOHIHARA Agency established in China for
13 carrying on work of this sort?

14 A I have some recollection that I heard the
15 name of the agency.

16 Q And, it is called DOHIHARA Agency, definite-
17 ly?

18 A I do not recall.

19 Q Do you recall that you had any communication
20 with that agency when you were then serving as Vice-
21 Minister of War?

22 A Yes, I do recall having had communication
23 with Lieutenant-General DOHIHARA.

24 Q Were you fully informed of the developments
25 of their work in China?

1 A All that I do know is that he was in com-
2 munication with Wu Pei-Fu. I don't know anything
3 else beyond that.

4 Q And, you do not even remember the name of
5 the agency exactly, and you do not even know who
6 sent him?

7 A I do not know whether or not this particular
8 agency was called the DOHIHARA Agency or not.

9 Q You say you know that he -- you know that
10 you were informed about the activities in connection
11 with Wu Pei-fu. Do you know anything else besides
12 Wu Pei-fu?

13 A Do you mean in connection with Lieutenant-
14 General DOHIHARA?

15 Q I was asking you whether you were informed
16 of DOHIHARA's work on Wu Pei-fu and on somebody else.

17 A I do not know.

18 Q Do you remember that you were informed --
19 kept informed about their work in connection with
20 Wang Chao-ming? That is the courtesy name of Wang
21 Ching-wei.

22 A I do not have any recollections whether or
23 not Lieutenant-General DOHIHARA contacted Mr. Wang
24 Ching-wei.

25 Q Do you remember if he contacted any other

1 people who represented -- purported to be represent-
2 atives of Wang Ching-wei?

3 A I do not know.

4 JUDGE NYI: I ask that the witness be shown
5 IPS document No. 1005, sub-title 21.

6 (Whereupon, a document was handed
7 to the witness.)

8 Q Have you finished reading this short docu-
9 ment?

10 A Yes, I have.

11 Q Do you remember if this is a telegram which
12 was sent to you as Vice-Minister?

13 A I have no -- I do not quite recall.

14 Q After reading that and after I suggest to you
15 that DOHIHARA was contacting people other than Wu
16 Pei-fu alone, do you have anything in mind that some-
17 thing was being reported to you other than activities
18 regarding Wu Pei-fu?

19 A I do not remember.

20 Q But, this was one of the telegrams which you
21 received, was that correct?

22 A Yes, but what I wish to say is that telegrams
23 of this nature are almost wholly addressed to the Vice-
24 Minister of War but the actual disposition of such
25 correspondence is handled by the various bureaus and

1 sections in charge.

2 Q Do you mean to tell us, Mr. Witness, that you
3 were in communication with somebody in China and you
4 do not know on what authority he was acting?

5 A I gave my opinions on important matters to
6 the War Minister and the War Minister himself consulted
7 me on matters of great importance. However, with
8 regard to other detailed matters, I had no time
9 because of my busy preoccupation to handle each and
10 all of them.

11 Q I remind you that you are not answering my
12 question.

13 THE INTERPRETER: Before Mr. Prosecutor spoke,
14 the witness said, "Because of that --"

15 Q Answer the question, please.

16 THE PRESIDENT: Let him answer.

17 A Because of that, I am stating to you that in
18 some cases I do not recall and some cases I do not know
19 anything about.
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1 JUDGE NYI: At this time, your Honor, I offer
2 in evidence IPS document 1005, sub-title 21.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Document 1005 (21) will
5 receive exhibit No. 3302.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution exhibit 3302
8 and received in evidence.)

9 Q Do you admit after reading this document that
10 it refers to matters other than the "Yu Pei-Fu project?"

11 A When you say "document" are you referring to
12 the document which was just shown to me a little while
13 ago?

14 Q Yes, exactly.

15 A Yes, I admit.

16 JUDGE NYI: Your Honor, I shall now offer to
17 read exhibit 3302, secret telegram dated April 22,
18 1939:

19 "Original Central China telegram No. 200.

20 "To: (Vice Minister
21 (Vice Chief

22 "To: Lt. General DOIHARA

23 "From: DOIHARA Agency

24 "From: Major HARUKI

25 "1. According to today's conference between

1 CHOU and TING, the special service activities in Shang-
2 hai were left to TING. Understanding has been reached
3 that the activities of FU's faction which have been
4 supervised by Chou's group in the past will be confined
5 to intelligence and that the others will be stopped.

6 "2. There are arrangements to be made in re-
7 gard to preparations of residence and others if WANG Chao-
8 ming (T.N. Courtesy name of WANG Ching-wei) is to come
9 to Shanghai, and we would like to get information about
10 the approximate date beforehand. At present both CHOU
11 and MEI are of the opinion that the time is not yet ripe
12 for WANG Chao-ming to visit Shanghai."

13 MR. CUNNINGHAM: If your Honors please --

14 THE PRESIDENT: Mr. Cunningham.

15 MR. CUNNINGHAM: May I make a point on the
16 introduction of this last document and ask that when
17 the Court accepts a document under the usual terms that
18 it be restricted for use in the case of the defendant
19 who is offering evidence at the time, and not for any
20 other purpose?

21 THE PRESIDENT: The whole Tribunal are against
22 you, Mr. Cunningham.

23 MR. CUNNINGHAM: I didn't hear.

24 THE PRESIDENT: The whole Tribunal are against
25 you.

1 MR. CUNNINGHAM: I had only mentioned half of
2 the reason why I wanted the matter considered. The
3 other point is that even in this document, the case of
4 DOIHARA having been closed, in all fairness the docu-
5 ment should be accepted only in the case of the defen-
6 dant who is then presenting his evidence. and not even
7 for general purposes. The third point is that it seems
8 highly unreasonable that the prosecution should be per-
9 mitted to introduce evidence now which cannot be answered
10 by the defendant involved.

11 THE PRESIDENT: We decided that on Friday, I
12 think it was. Mr. Cunningham, we don't propose to hear
13 you any further at this stage. You can make these sub-
14 missions later on if you wish.

15 MR. CUNNINGHAM: Well, your Honor, I merely
16 wanted to suggest that the last time the matter came up
17 we were only half heard, and this time we are only half
18 heard, and the matter never will be decided.

19 THE PRESIDENT: The matter has been decided.
20 The question is whether we will reopen the matter on
21 Mr. Cunningham's application.

22 Judge Nyi.

23 JUDGE NYI: Your Honor, I just want to say one
24 word in reply to my learned friend Mr. Cunningham.

25 THE PRESIDENT: We don't want your reply, Judge

1 N^y. We have decided the matter ourselves.

2 Q Mr. Witness, you mentioned that KONOYE's
3 three principles were made public on December 22, 1938.
4 Do you know whether ITAGAKI spoke very firmly on them
5 when HIRANUMA succeeded KONOYE as premier in January,
6 1939?

7 A I have no recollection of that at the present
8 moment.

9 Q Was it a fact that ITAGAKI promised to remain
10 in the HIRANUMA Cabinet on condition that HIRANUMA
11 accepted his seven points, including the continuance
12 of the KONOYE statement of December 22?

13 A I have no recollection.

14 Q Let me refresh your mind. Was it not a fact
15 that the first of the seven points is in relation to the
16 prosecution of the war in accordance with the declara-
17 tion of December 22, and the second is that the plan
18 for national defense should be established and the prepa-
19 ration and expansion of armaments should be the aim,
20 and the third is that relations among the three nations,
21 Japan, Germany, and Italy, should be closer and strengthened?
22 Do you need further refreshing?

23 A I have no recollection.

24 MR. BANNO: Your Honor, I believe that the
25 prosecution should state what documents form the basis

1 of these questions.

2 THE PRESIDENT: That has been decided the
3 other way repeatedly, and you should not ask for another
4 decision on it. But to refresh his memory he should
5 know the time and the place and the person with whom
6 the conversation was held.

7 Q At that time you just came in as Vice Minister,
8 was that correct?

9 A Yes.

10 Q And you do not even remember under what condi-
11 tion the Minister of War wanted to stay on the job as
12 War Minister?

13 A I have no exact recollection.

14 Q Now, was it a fact, to refresh you further,
15 that you were dispatched by ITAGAKI as his proxy to
16 proceed to the cabinet headquarters to reply formally
17 to ITAGAKI's acceptance to remain at the post of War
18 Ministership?

19 A Yes.

20 Q Now you remember? Do you remember the other
21 conditions of his staying on the job?

22 A I do not recall.

23 Q You still don't?

24 JUDGE NYI: I ask that the witness be shown IPS
25 document 3171-B.

1 Q Do you see that the seven conditions ap-
2 peared very prominently in this paper and also at
3 the end of the article your own name?

4 A Yes.

5 Q Do you recall that HIRANUMA accepted all his
6 conditions and only because of that he promised --
7 ITAGAKI promised to stay on the job? And I remind
8 you that this is the mission that you were entrusted
9 with to proceed to tell HIRANUMA that ITAGAKI ac-
10 cepted.

11 A I was unable to see Baron HIRANUMA and I
12 left something in writing.

13 Q What did you write?

14 A I did not read the contents so I do not
15 know what the document contained, but I left with
16 Mr. SHIONO the conditions for General ITAGAKI's
17 acceptance of the request to remain in office.

18 Q Do you mean to tell us that after quite a
19 long time you haven't read this?

20 A Yes, I did read the contents, but I do not
21 recall whether the contents of that particular docu-
22 ment contained the points mentioned here.

23 JUDGE NYI: Your Honor, at this time we
24 offer in evidence prosecution document 3171, sub-
25 title B.

1 THE PRESIDENT: Mr. BANNO.

2 MR. BANNO: By this copy itself we cannot
3 tell from what newspaper this particular article is
4 extracted.

5 THE MONITOR: The defense counsel stated
6 "I understand now."

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Prosecution document
9 3171-B will receive exhibit No. 3303.

10 (Whereupon, the document above
11 referred to was marked prosecution exhibit
12 No. 3303 and received in evidence.)

13 Q Now, Mr. Witness, did the War Minister,
14 ITAGAKI, take active steps to enforce military dis-
15 cipline?

16 THE PRESIDENT: Unless there is some good
17 reason for not doing so, Judge Nyi, you read a
18 document when you tender it, or such parts as you
19 propose to read.

20 JUDGE NYI: Yes. I offer to read exhibit
21 3303 in part. It is an "Excerpt from the 6 January
22 1939 issue of the Chugai Shiyogyo Shimpo (T.N. a
23 Tokyo daily newspaper)

24 "EXECUTION OF SEVEN ITEMS

25 "HIRANUMA Requested by the Army

1 "War Minister ITAGAKI, upon the request of
2 Baron HIRANUMA, called at the cabinet organization
3 headquarters at 9 A. M. on the 5th and had an inter-
4 view with Baron HIRANUMA for about 45 minutes, during
5 which he was asked to remain as the War Minister.
6 After revealing the requests on the part of the Army,
7 as decided by the Conference of the Army Senior Chiefs,
8 ITAGAKI left at 10 A. M. The points, as requested by
9 the Army and revealed to Baron HIRANUMA by the War
10 Minister, were as follows:

11 "1. With regard to the China Incident, bas-
12 ing upon the decisions of the Imperial Conference, and
13 in accordance with fixed policies, the aims of the
14 Holy War should be achieved. Particularly, the
15 Declaration of December 22nd, on the policy of re-
16 adjusting the relationship with China, should be
17 adopted in its entirety.

18 "2. To cope with the new circumstances in
19 East Asia, the plan for national defense should be
20 established and the preparation and expansion of
21 armament should be the aim.

22 "3. The relations among the three nations,
23 Japan, Germany and Italy, should be closer and
24 strengthened.

25 "4. The system of national total mobilization

1 itself should be reinforced and, moreover, the Planning
2 Board should be expanded and reinforced.

3 "5. All efforts should be made to increase
4 productivity.

5 "6. The national morale should be stimulated.

6 "7. Trade should be promoted.

7 "WAR MINISTER PROMISED TO REMAIN

8 "Reply after the Three Senior Chiefs Con-
9 ference Today."

10 I shall omit the reading of this part except
11 the last three lines. Beginning with the third to the
12 last line:

13 "Besides, at 11:50, War Minister ITAGAKI
14 dispatched Vice Minister YAMAWAKI as his proxy to
15 proceed to the cabinet organization headquarters to
16 reply formally his acceptance to remain at his post."
17 BY JUDGE NYI (Continued):

18 Q Now, Mr. Witness, I was asking you whether
19 War Minister ITAGAKI took active steps to enforce
20 military discipline.

21 A Yes, he did.

22 Q Did you support and assist him in the steps
23 which he took to enforce military discipline?

24 A Yes, I did.

25 Q Did ITAGAKI, as War Minister, take a personal

1 interest in enforcement of military discipline?

2 A Yes, he did.

3 THE PRESIDENT: Two of my colleagues raise
4 the following question: According to KONOYE, exhibit
5 3300-A, TOJO was made Vice-Minister of War when ITAGAKI
6 became War Minister. The witness YAMAWAKI states that
7 he was Vice War Minister. Can the witness explain?

8 THE WITNESS: I was Vice-Minister of War at
9 the time of the KONOYE Declaration of December 22,
10 1938.

11 THE PRESIDENT: When did TOJO become Vice-
12 Minister?

13 THE WITNESS: I think he took office -- TOJO
14 took office as Vice War Minister at the time General
15 ITAGAKI took over the post of War Minister, and I re-
16 placed TOJO as Vice-Minister later.

17 JUDGE NYI: May I proceed?

18 THE PRESIDENT: You may proceed.

19 Q Mr. Witness, you stated on page 2 of your
20 affidavit, the seventh line from the bottom, "While
21 in office War Minister ITAGAKI's efforts were con-
22 centrated along these principles, and in assisting
23 him these principles were also my principles."

24 Can I take it that with regard to the matters
25 you have enumerated in a preceding paragraph, your

1 views could be identified with his?

2 Yes.

3 I do not understand the question. I could
4 not understand it.

5 I got the question in another form. Did
6 you enforce military discipline upon the
7 control the army and the soldiers return-
8 ing from the China front?

9 Yes, I did. I was very strict that
10 there was no laxity. I suppose you want to know whether
11 there was a control in a military matter.

12 JUDGE RYAN: Yes.

13 I have nothing of my own to add to
14 what you have said.

15 THE PROSECUTOR: Suggest something to him. See
16 whether he knows it.

17 Did you ever receive an order of Vice-Minister
18 of War to the effect of Japan for discipline and
19 control of the army and the soldiers return-
20 ing from the China front?

21 Yes, I did.

22 The order was to the effect that the
23 military discipline was to be enforced upon the
24 soldiers return- ing from the China front.

25 Yes, I did. I think the order
was to the effect that the military discipline was to be enforced upon the soldiers return- ing from the China front.

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1 Q Did the enforcement of military discipline
2 include steps taken to control the speech and action
3 of soldiers returning from the China front?

4 A I do not understand the question. I could
5 not comprehend it.

6 Q To put the question in another form, did
7 you enforce military discipline in such a way as to
8 control the speech and action of the soldiers return-
9 ing from the China front?

10 THE PRESIDENT: Well, every Army does that
11 more or less. I suppose you want to know whether
12 there was control in a particular matter.

13 JUDGE NYI: Yes.

14 A I have nothing of any unusual or different
15 nature to state here.

16 THE PRESIDENT: Suggest something to him. See
17 whether he accents it.

18 Q Did you not issue an order as Vice-Minister
19 of War to the armed forces of Japan for direction and
20 control of the speech and action of the army units?

21 A I think that was sent out.

22 Q Did you also, in connection with this order,
23 distribute a book entitled "The Situation of the Army
24 Unit and Army Man Returning from the Disturbance Area"?

25 MR. BANNO: Mr. President, I think the quick-
est way would be to show the witness the book.

1 THE PRESIDENT: I agree.

2 JUDGE NYI: I ask that the witness be shown
3 IP# document 625.

4 (Whereupon, a document was handed
5 to the witness.)

6 A Yes.

7 Q And did not the book, issued by your in-
8 structions to the armed forces, entitled "Situation
9 of the Army Unit and Army Man Returning from the Dis-
10 turbance Area" contain examples of the speeches and
11 statements of returning soldiers and officers which
12 the army sought to control?

13 A Yes.

14 Q Was this book a Top Secret publication?

15 A Yes, it was.

16 Q And did it not carry the notation thereon
17 "Reproduction Prohibited" and "Handle with Extreme
18 Care to Prevent Leakage"?

19 A Yes.

20 JUDGE NYI: I tender in evidence, your Honor,
21 IP# document 625.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 625 will receive exhibit No. 3304.
25

1 (Whereupon, the document above
2 referred to was marked prosecution exhibit
3 No. 3304 and received in evidence.)

4 JUDGE NYI: Your Honor, this is quite a
5 lengthy document. I do not propose to read the whole
6 of it, but I will read a part of it.

7 On page 1, this document entitled "Army
8 Records of the China Incident," 1939, Volume 7. I
9 shall omit the formal parts and turn to page 4 begin-
10 ning with the ninth line from the top:

11 "The main examples where care is necessary
12 in speeches regarding military discipline and public
13 morale are as follows:"

14 I shall omit the next two paragraphs and
15 begin with the sentence "The thing."

16 "The thing I like best during the battle is
17 plundering."

18 MR. BROOKS: If the Tribunal please, in
19 our recollection this document has already been ad-
20 mitted into evidence by the prosecution at an earlier
21 stage of this case, and I thought I would call it to
22 their attention. I think that the Court, on perusal
23 of this document, will recall this very material hav-
24 ing been read or excerpts read from it at an earlier
25 stage of the case.

1 THE PRESIDENT: If it was, I have forgotten
2 it, and I have heard every word said in this Court.
3 If you are stating a fact, we are obliged to you,
4 Captain Brooks, but I do not recollect it.

5 JUDGE NYI: May I proceed, your Honor?

6 THE PRESIDENT: Proceed.

7 JUDGE NYI: "In the front lines the superiors
8 turn a blind eye to plundering and there were some
9 who plundered to their heart's content."

10 I will skip the next paragraph and begin
11 with the paragraph beginning "Discipline."

12 "Discipline is strict in the peacetime Army
13 but in the battlefield it could not be so. The lazy-
14 bones pain. Many conscientious workers fell early
15 in the battlefield.

16 "At XX we captured a family of four. We
17 played with the daughter just as we would with a har-
18 lot. But as the parents insisted that the daughter
19 be returned to them we killed them. We played with
20 the daughter as before until the unit's departure and
21 then killed her.

22 "One company commander unofficially gave in-
23 structions for raping as follows: 'In order that we
24 won't have problems, either pay them money or kill
25 them in some obscure place after you have finished.'

1 "If the army men who participated in the
2 war were investigated individually they will probably
3 be all guilty of murder, robbery or rape."

4 I shall skip the first two paragraphs on
5 page 5 and begin with the third:

6 "In the half a year of battle about the only
7 things I learned are rape and burglary."

8 THE PRESIDENT: What about the part preced-
9 ing that, "In the battlefield"?

10 JUDGE NYI: Yes, your Honor. I will read
11 that, too. The second paragraph from the top: "In
12 the battlefield we think nothing of rape. There are
13 even some men who resisted with firearms when dis-
14 covered by the military police in the act."

15 Then I shall proceed to read the sixth para-
16 graph: "In the battlefield quite a number of men got
17 souvenirs of precious stones, metals, etc., with the
18 excuse of requisition.

19 "The Japanese Army used many Chinese spies
20 but after they became unnecessary the army killed
21 them."

22 Then I shall read the paragraph -- the fourth
23 from the bottom or the third from the bottom on the
24 same page beginning with "The plundering."

25 "The plundering by our army in the battle

1 area is beyond imagination. Pacification is being
2 practised in only a small part of the occupied area.

3 "The prisoners of the Chinese Army were
4 sometimes lined up in one line and killed to test the
5 efficiency of the machine gun."

6 I think that will be sufficient to cover
7 the point of military discipline.

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1445, a recess was
11 taken until 1500, after which the proceed-
12 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Judge Nyi.

4 JUDGE NYI: If it may please the Tribunal,
5 there will be no further cross-examination of this
6 witness.

7 THE PRESIDENT: Mr. BANNO.

8 MR. BANNO: There are one or two points on
9 which I should like to conduct redirect. These
10 questions concern exhibit 3304, presented by the
11 prosecution. There is a preamble to this document
12 and I believe that it is difficult to gain the purport
13 of this document without first reading the preamble.
14 I should like, therefore, to be permitted to read
15 this preamble to the witness and then to ask him a
16 few questions.

17 THE MONITOR: Correction: Purport of this
18 document being dispatched.

19 THE PRESIDENT: Judge Nyi.

20 JUDGE NYI: Your Honor, I think it is per-
21 fectly unnecessary to read further, because the witness
22 appears to be very intelligible with this document.

23 THE PRESIDENT: Put your question, Counsellor
24 BANNO, and we will decide on it. Do not read a great
25 deal, and do remember you are re-examining.

REDIRECT EXAMINATION

1
2 BY MR. BANNO:

3 Q Mr. Witness, in what section of the War
4 Ministry was this document prepared?

5 A The Military Service Section of the Military
6 Service Bureau, War Office.

7 Q Do you have any recollection of the purpose
8 for which this memorandum was sent out?

9 A Yes.

10 Q Please tell it to us briefly.

11 A Soldiers, officers and men returning from the
12 front after being replaced by other units often, once
13 they return to their homeland, take special pride in
14 speaking loudly and publicly of matters relative to
15 military matters and discipline, often exaggerating --
16 making a mountain out of a molehill, often exaggerat-
17 ing a few facts which they happened to come across,
18 and even over-exaggerating rumors and other information
19 of which they happened to come into possession; and
20 also take pride in talking about matters which even
21 relate to matters which are of a secret nature and,
22 further, exaggerating all kinds of gossips which they
23 have picked up.

24 Q Then may I understand that this document was
25 issued for the purpose of preventing baseless rumors

1 based on this kind of exaggerated gossip, and in this
2 document examples of this exaggerated type of gossip
3 were given?

4 A Yes, your understanding of the matter is
5 correct. May I add another point?

6 THE PRESIDENT: But the army, the soldiers
7 were not warned against exaggeration. That word does
8 not appear.

9 MR. BANNO: That comes out in the document
10 itself and also in the first part of the attached
11 document which was sent out.

12 Q May I understand, then, that this document
13 was issued for the purpose of avoiding the lack of
14 discipline by the Commanders and also as a warning
15 against the senior members of a unit to be careful in
16 instructing and guiding members under their command?

17 THE PRESIDENT: There was no warning against
18 conduct of the kind referred to so far as I can gather
19 from a limited perusal.

20 Q Does not this document, therefore, take up
21 illustrations and show the necessity for such care
22 through its illustrations and thus constitute a warning?

23 THE PRESIDENT: We will say what the document
24 does—
25

MR. BANNO: I should like to be permitted to

1 read that portion.

2 THE PRESIDENT: --or purports to do.

3 MR. BANNO: I should like to read just one
4 portion. I should like to read the last part of this
5 document: "I repeat the order again" -- this is on
6 page 2 of the English text, the ninth line from the
7 top:

8 "I repeat the order again to make the control
9 of the directing even more strict and consequently
10 glorify the meritorious deeds, raise the Japanese
11 Army's military reputation and insure that nothing
12 will impair the accomplishment of the object of the
13 Holy War."

14 Q Is it clear, then, that this memorandum is a
15 memorandum concerning the regulating of military
16 discipline and control?

17 JUDGE NYI: Your Honor, I object to this form
18 of question. It is a leading question and it is also
19 calling for opinion.

20 THE PRESIDENT: There is no need to question
21 him on that part of the document you read.

22 MR. BANNO: There is just one other point on
23 which I should like to question the witness.

24 Q Why was this document regarded as top secret --
25 handled as top secret?

1 A Matters pertaining to military discipline and
2 morals were customarily handled as top secret matters.

3 MR. BANNO: That concludes my redirect,
4 your Honor. DOKIYAMA Agency to Vice Minister and also

5 MR. KATA: I am Counsel KATA, for the defendant
6 DOKIYAMA. There is one additional question I should
7 like to ask the witness. HANUKI and Lieutenant General

8 THE PRESIDENT: You are too late. You are
9 right out of order. Is it a question in further
10 re-examination? HANUKI General DOKIYAMA.

11 MR. KATA: Only one point. I should like to
12 ask just one question relative to prosecution document
13 1005-21, which is now court exhibit 3302. Was he not

14 then in Tokyo in order to take over his new post?

15 A I have no exact recollection but I believe
16 that this communication was sent to the War Ministry
17 with the request that it be communicated to Lieutenant
18 and General DOKIYAMA because he was then in Tokyo.

19 Q Then let me ask you: Do you know what
20 Lieutenant General DOKIYAMA assumed his new post as
21 commander of the 5th Army?

22 A I have no recollection.

23 Q My next point: This telegram purports to
24 come from Major HANUKI of the DOKIYAMA Agency. Is
25 it not a fact that already by this time Colonel

REDIRECT EXAMINATION (Continued)

1
2 BY MR. KATA:

3 Q This exhibit reads as follows: From Major
4 HARUKI of DOHIHARA Agency to Vice Minister and also
5 to Lieutenant General DOHIHARA. What is the meaning
6 of this "To: Lieutenant General DOHIHARA"?

7 A Because Major HARUKI and Lieutenant General
8 DOHIHARA were located at different places this par-
9 ticular document was sent through the Ministry of
10 War to Lieutenant General DOHIHARA.

11 Q This telegram is dated April 21, 1939.
12 Had not Lieutenant General DOHIHARA already been
13 appointed commander of the 5th Army and was he not
14 then in Tokyo in order to take over his new post?

15 A I have no exact recollection but I believe
16 that this communication was sent to the War Ministry
17 with the request that it be communicated to Lieuten-
18 ant General DOHIHARA because he was then in Tokyo.

19 Q Then let me ask you: Do you know when
20 Lieutenant General DOHIHARA assumed his new post as
21 commander of the 5th Army?

22 A I have no recollection.

23 Q My next point: This telegram purports to
24 come from Major HARUKI of the DOHIHARA Agency. Is
25 it not a fact that already by this time Colonel

1 KAGESA was in the building formerly used by the
2 DOHIHARA Agency and was not Colonel KAGESA using the
3 code hitherto used by the DOHIHARA Agency?

4 JUDGE NYI: If your Honor please, we object
5 to this question because it is not touched by the
6 cross-examination.

7 THE PRESIDENT: The objection is disallowed
8 on that ground. The question was leading but it does
9 not matter very much. Answer the question.

10 A Colonel KAGESA was in China at that time
11 but I have no recollection whether or not he had
12 occupied DOHIHARA's house.

13 Q Just one more point. Do you know whether
14 or not the KAGESA Agency used the DOHIHARA code after
15 coming to Shanghai?

16 JUDGE NYI: Your Honor, we object because it
17 is a leading question.

18 THE PRESIDENT: I do not know that it is;
19 however, answer the question, Witness.

20 A I don't understand what you mean by the--

21 THE MONITOR: Please strike out the last
22 question of counsel. We will have a retranslation;
23 this will be the accurate one.

24 Q Do you know whether or not the KAGESA Agency
25 after arriving in Shanghai used the telegraphic

1 registration of the DOHIHARA Agency? In short,
2 what I want to ask you is this: Was not this
3 telegram actually sent after DOHIHARA had already
4 left Shanghai by the KAGESA Agency?

5 A I do not remember.

6 MR. KATA: Thank you.

7 MR. BANNO: May the witness be excused?

8 THE PRESIDENT: He is excused on the usual
9 terms.

10 (Whereupon, the witness was excused.)

11 MR. BANNO: We now offer in evidence the
12 affidavit of the witness KAGESA, Sadaaki, defense
13 document No. 2606, who remains so ill in the hospital
14 that he cannot appear in court.

15 We present defense document No. 2663, a
16 certificate of attending physician regarding his
17 illness.

18 THE PRESIDENT: Judge Nyi.

19 JUDGE NYI: Your Honor, we object to this
20 form of introducing the said affidavit because the
21 witness will not be available for cross-examination.

22 This witness has once before testified before
23 a commission at the First National Hospital only
24 about ten minutes' ride from this Tribunal.

25 THE PRESIDENT: If he were here, how much of

1 his affidavit would you object to, if any?

2 JUDGE NYI: If he were here, your Honor, the
3 prosecution would object to the document in its en-
4 tirety.

5 THE PRESIDENT: I suggest you tender the
6 document and it can be objected to and if we admit
7 any part of it this man may be called later for
8 cross-examination if he is available. The fact that
9 he gave evidence does not prevent him from giving it
10 again on some other matter. We will see, first of all,
11 how much you want to cross-examine about. That depends
12 on how much is left after we hear any objection from
13 the prosecution.

14 Do I understand the document was tendered?

15 MR. BANNO: I now offer this document in
16 evidence.

17 JUDGE NYI: May it please the Tribunal, the
18 prosecution objects to the whole of the affidavit on
19 the ground that it does not contain facts but opin-
20 ions and conclusions. Paragraph 4 on page 2 states
21 ITAGAKI's opinion about foreign policy and paragraph 5
22 on page 3 states War Minister ITAGAKI's ideas. After
23 deletion of these two paragraphs the rest of the affi-
24 davit will be entirely meaningless. We therefore
25 object to this document in its entirety.

1 THE PRESIDENT: Mr. BANNO.

2 MR. BANNO: In regard to paragraph 4, it
3 is quite relevant in determining the course of
4 action taken by ITAGAKI to know what ITAGAKI's
5 attitude and opinions were. I believe that they can
6 be called the subjective element constituting a
7 crime.

8 I think the same can be said in regard to
9 paragraph 5. If any part of paragraph 5 should be
10 rejected as constituting opinion I believe it is the
11 last three lines of that paragraph and we have no
12 objection to deleting those three lines. The rest of
13 the document, I believe, is quite admissible.

14 I believe it is needless to say that opinion
15 of the defendant is very relevant and should be admitted

16 THE PRESIDENT: By a majority the objection
17 is sustained and the document rejected.

18 MR. BANNO: We next call the witness MADOKORO,
19 Shintaro.

20 THE PRESIDENT: That includes the medical
21 certificate, of course, which is unnecessary.

22 MR. BANNO: Yes, your Honor.
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1 SHINTARO MADOKORO, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

DIRECT EXAMINATION

BY MR. BANNO:

Q Please state your name and address.

A My name is MADOKORO, Shintaro, and my address,
No. 2, Nankaido, 2-chome, Nishinari-ku, Osaka.MR. BANNO: Please show the witness defense
document 2597.Q Is that your affidavit, and does it bear your
signature?

A Yes.

Q Are the contents true and correct?

A Yes.

MR. BANNO: I offer defense document 2597
in evidence.

THE PRESIDENT: Judge Nyi.

JUDGE NYI: If your Honor please, we object
to the whole of this affidavit on the ground that it
contains matters which are immaterial and irrelevant.
This affidavit contains matters relating to the pro-
motion of trade between Japan and America and the
development of the Orient. The only reference made of

1 ITAGAKI is at the bottom of page 3. It says that
2 ITAGAKI gave him -- that the witness obtained under-
3 standing from ITAGAKI and received an agreement, and
4 I submit that these matters are not in issue in this
5 case.

6 MR. BANNO: ITAGAKI's affidavit has already
7 been distributed, and I believe that the prosecution
8 has already read it. It is not proper for me to refer
9 to ITAGAKI's affidavit before presenting it, but it
10 shows that all of ITAGAKI's efforts after becoming War
11 Minister were directed towards arriving at peace between
12 Japan and China, and it shows that his fundamental
13 attitude was directed to that effort.

14 The establishment of the Pan-Pacific Trading
15 and Navigation Company and the negotiations connected
16 therewith have an important bearing on ITAGAKI's indi-
17 vidual defense, since they show the popular negotiations
18 that were going on simultaneously with the formal
19 Japanese-American negotiations relative to the solu-
20 tion of the China Incident.

21 Furthermore, Japanese-American trade --
22 Correction: Furthermore, it had been hoped that
23 Japanese-American trade would continue through the means
24 of this company even after the freezing of Japanese
25 assets by America. Secretary of State Hull also was

1 well aware of this. I believe that this affidavit
2 relative to the efforts made by the defendant ITAGAKI
3 in having these commercial negotiations between Japan
4 and America conducted is relevant and that this docu-
5 ment should be admitted in his individual defense. I
6 believe that it will be of assistance to the Tribunal
7 to know that ITAGAKI, while showing a certain outward
8 friendliness toward the idea of a tripartite pact --
9 showing an outward agreement with the Japan-German
10 Tripartite negotiations, was earnestly striving for
11 better Japanese-American commercial relations through
12 these commercial relations.

13 THE MONITOR: Court reporter, strike out
14 "Japan" and "German."

15 THE PRESIDENT: The objection is sustained
16 and the document rejected, by a majority.

17 MR. BANNO: May the witness be released on
18 the usual terms?

19 THE PRESIDENT: He is released accordingly.

20 (Whereupon, the witness was excused.)

21 MR. BANNO: Documents 2607, 2608, and 2609,
22 which are, respectively, Nos. 27, 28 and 29 on the
23 order of proof, have been withdrawn.

24 Next, we offer in evidence defense document
25 2143. This is an excerpt from the book entitled, "The

Destiny of China," written by Chiang Kai-shek.

1 In this document, Chiang Kai-shek clearly
2 states that China had resolved to make wholesale
3 resistance against Japan after the outbreak of the
4 Lukouchiao affair, and that she drove Japan into an
5 endless war by colluding with the communist army, and
6 by exercising complete restraint upon Japan strategically
7 and politically, thus bringing Japan's efforts for
8 peace to naught.
9

10 This document vividly shows who is responsible
11 for the China Incident and it will make clear the reason
12 why the efforts of ITAGAKI and others were doomed to
13 failure.

14 JUDGE NYI: Your Honor, in connection with
15 this document and the next two or three defense documents
16 listed on the revised order of proof, Judge Yu Kwei
17 will act for the prosecution. Judge Kwei is a member
18 of the Shanghai Bar Association, and a former judge
19 of the Shanghai High Court.
20

21 THE PRESIDENT: Judge Kwei.

22 JUDGE KWEI: May it please the Tribunal, the
23 prosecution objects to the introduction of this docu-
24 ment for the following reasons:

25 In the first place, the book in question was
originally written in Chinese; it was not written in

1 Japanese. If the English text now presented is a
2 translation from the Japanese version, we should like
3 to refer to the ruling appearing on page 2303 of the
4 record, to the effect that the translation should be
5 from Chinese to English direct.

6 THE PRESIDENT: If this were taken direct from
7 the Chinese version, would you still object?

8 JUDGE KWEI: If it were a translation from
9 the Chinese, we still would have to object, because
10 there are numerous errors almost entirely distorting
11 the true meaning of the book.

12 THE PRESIDENT: You do not object to it as
13 irrelevant or immaterial?

14 JUDGE KWEI: Yes. In the second place, neither
15 the name of ITAGAKI nor any of his activities has been
16 mentioned.

17 THE PRESIDENT: It is a general phase matter,
18 is that so?

19 JUDGE KWEI: Yes. The document, if it could be,
20 of any probative value at all, ought to be tendered in
21 the general phase, but not in the individual case, in
22 accordance with the ruling of the Tribunal appearing
23 on page 28,274 of the record. And there are no con-
24 vincing reasons whatsoever to justify an exception to
25 the rule.

1 MR. BANNO: Mr. President, I do not believe
2 there is any rule that no document can be used in the
3 individual phase unless the individual defendant's name
4 appears in that document.

5 THE PRESIDENT: There is not; but it must
6 relate to his case more peculiarly in the absence of
7 some strong reasons.

8 MR. BANNO: ITAGAKI became War Minister in June
9 1938. As is shown already by numerous documents already
10 accepted as court exhibits, at the time, although
11 efforts were made to solve the incident locally, the
12 incident kept spreading until finally it became a
13 general outbreak, contrary to ITAGAKI's will. No matter
14 how hard ITAGAKI might have striven individually to
15 solve this incident, if the opponent had no desire to
16 arrive at an amicable settlement, the incident could
17 never have been settled and actually it did continue
18 to spread.

19 THE PRESIDENT: We do not want an address from
20 you at this stage. You are saying that this tends to
21 show that there was no possibility of compromise with
22 Chiang Kai-shek. That should have been given in the
23 general phase if at all.

24 By a majority, the objection is sustained
25 and the document rejected.

1 MR. BANNO: We next call the witness
2 OKADA, Yoshimasa.

3 - - -

4 Y O S H I M A S A O K A D A, called as a witness
5 on behalf of the defense, being first duly
6 sworn, testified through Japanese interpreters
7 as follows:

8 DIRECT EXAMINATION

9 BY MR. BANNO:

10 Q Please state your name and address.

11 A My name is OKADA, Yoshimasa; my address,
12 No. 190, 2 Chome, Mabashi, Suginami-ward.

13 MR. BANNO: Please show the witness defense
14 document 1979.

15 Q Is that your affidavit, and did you sign it?

16 A Yes.

17 Q Are its contents true and correct?

18 A Yes.

19 MR. BANNO: I offer defense document 1979
20 in evidence.

21 THE PRESIDENT: Judge Kwei.

22 JUDGE KWEI: May it please the Tribunal,
23 we object to this affidavit on the ground that the
24 mere sending of the witness to meet Dr. Steward on
25 the latter's initiative could throw little light, if

1 any, upon ITAGAKI's inclination to peace. No con-
2 crete plan was shown, and nothing concrete was done.
3 The evidence could be of no probative value whatso-
4 ever. Moreover, the peace negotiations with Yen
5 Hsi-shan and others stated on pages 3-4 were not
6 based upon the witness's personal experience and
7 the source of his knowledge has not been clearly
8 indicated. The last two paragraphs of the affidavit,
9 especially, are apparently against the best evidence
10 rule.

11 MR. BANNON: Mr. President, the prosecution
12 has made an indication concerning the probative
13 value of this document to be decided by the Tribunal.
14 The question of the probative value of the actions
15 relative to Dr. Steward are matters for the Tribunal
16 to decide, it is respectfully submitted. Relative
17 to the prosecution's objection that this witness is
18 not the best witness to testify concerning the
19 negotiations vis-a-vis Chungking, carried on at
20 Hongkong, the man who actually carried on the nego-
21 tiations then is no longer living with the exception
22 of the defendant ITAGAKI, himself. The witness
23 OKADA was at that time information officer of the
24 China Expeditionary Forces and was directly con-
25 cerned with these negotiations. In such circumstances

1 I believe that secondary evidence is admissible.
2 In regard to the Yen Hsi-shan negotiations also,
3 the witness's testimony is not based on hearsay,
4 and therefore it should be admitted, we submit.

5 THE PRESIDENT: By a majority the objec-
6 tions are sustained except as to paragraphs 4 and
7 5, which are admitted on the usual terms.

8 CLERK OF THE COURT: Defense document
9 1979 will receive exhibit No. 3305.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3305 and received in evidence.)

13 MR. BANNO: I shall read exhibit 3305,
14 paragraphs 4 and 5.

15 "4. Peace negotiation through Yen Hsi-
16 shan.

17 "The reason why General ITAGAKI, while he
18 was War Minister, made efforts for peace with Wu Pei-
19 hu was in order to bring about a Sino-Japanese peace
20 as quickly as possible and he tried to persuade
21 the Chinese people by establishing peace societies
22 in many places in North and Central China. This
23 found as response on that art of Yen Hsi-shan in
24 Shanshi Province, who in answer to the feeling of
25 the general public began earnestly to express his

1 desire for peace between Japan and China. He
2 despatched liaison to Major-General TANAKA, Ryukichi,
3 Chief of Staff of the Japanese First Army stationed
4 in Shansi Province at that time.

5 "In 1940, Major-General TANAKA reported
6 this situation to the General Headquarters accord-
7 ingly. Chief of Staff ITAGAKI in China cordially
8 supported the said negotiation and gave instruction
9 to the army in North China frequently, despatching
10 members of his staff so as to work over to a general
11 peace from the localized peace.

12 "The said negotiations bore fruit during
13 the period of the following Chief of Staff, General
14 USHIROKU, and the meeting between Yen Hsi-shan and
15 the commander of the First Army was brought about
16 at last but this was really due to nothing but the
17 motive power applied during the period of General
18 ITAGAKI.

19 "5. Peace negotiations in Hongkong toward
20 Chungking.

21 "This movement was going on from spring to
22 summer of 1940. Lieutenant-Colonel SUZUKI, Takuji,
23 military attache at Hongkong, conducted negotiation
24 for Sino-Japanese peace with Sung Tsu-chich (whom
25 we trusted), who was said to be the youngest brother

1 of Sung Tzu-wen and also to be chiefly representing
2 Sung Tzuwen of the Chungking faction. Not only the
3 Supreme Commander in China and the Imperial Head-
4 quarters recognized this fact, but the latter despatched
5 to Hongkong Colonel USUI, Section Chief, who gave power-
6 ful assistance in the abovementioned negotiations. The
7 first step of the Hongkong negotiation progressed even
8 as far as the discussion of fundamental problems
9 (armistice, evacuation, the problems of Manchoukuo,
10 etc.) and the final decision was to be made between
11 the proper delegates authorized by Japan and China,
12 respectively. Changsha, being situated on the front
13 line, was nominated as the meeting spot for this pur-
14 pose. Chief of Staff in China ITAGAKI was expected to
15 be the delegate from our side, and plans were made
16 concerning the arrangement of fighting lines on both
17 sides, preparations the air port, and so forth, some
18 of which were put into practice. The negotiation
19 in question, however, was finally suspended by the
20 Chinese proposal."

21 THE PRESIDENT: That is admitted only for any
22 statements of fact therein.

23 We will adjourn until half-past nine tomorrow
24 morning.
25

(Whereupon, at 1600, an adjournment

OKADA

DIRECT

30,152

was taken until Tuesday, 7 October 1947,
at 0930.)

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